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	GATION OF INCIDENT.							DISTRICT	1		/44/2014		
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	REPORT		FICER	ID#	DIVISION	APPROVED	BY		ID#		ND TIME OF REPO				
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INCIDENT NUMBER	1	SAN	PAGE	CASE NUMBER	
		OFFICER	4 OF 91	1207248	
CONTINUED FROM  CRIME	BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tue	TIME 10:16
PRIMARY CODE SECTION				Jac - tue	1 10.10
ADDITIONAL CODE SECTION(S)	with a deadly	y weapon or i	nstrument other than a firearm		
LOCATION OF INCIDENT, CITY	STATE ZIP	<del></del>			
530 W 21ST ST, Moun	t Laguna, CA	91950			
			<b>NOTIFICATION</b>		
On Saturday Decem	her 1st 2012	2. at about 12	30 hours, I was officially called o	ut by Detective	Sergeant Leach to
• .	•	•	en previously been briefed by Serge	•	
		•	the male suspect was taken into		
			The details of this incident we		
Southwestern Colleg investigation.	e Police Acad	demy when I	responded. Sergeant Leach assigne	d me as the lea	d detective for this
			CASE SYNOPSIS		
		4			
			tinez walked into the "Eat and Go ]	•	
•			nat sits just north next to the E. 24		y Station. The only also inside
employee working at the store when Martii			There was a female cu	istomer (	also miside
aio acoto mitori initati	ioz arrvou.	•			
Martinez walked ove	r to the regist	er counter and	d stood there as if he was waiting to	o be assisted.	walked over to
Martinez, from the en	mployee side	of the counte	r, and asked him if he could help h	ıim. Martinez d	id not acknowledge
Martinez just	stood there w	rith a blank sta	are in his eyes.		
<b>337:44</b>				4 - 41	a that lad into the
			ound the register counter through tinez before he walked past the cou		
			Without saying a word, Martinez		
•			with his fists. Martinez aggressive	•	
			vards into a back storage room. T	<u>, , , , , , , , , , , , , , , , , , , </u>	attempted to cover
himself from Martine	ez' punches a	nd kicks.			
10110			*		م بر مراس
			himself with a hotplate and held it		
tne storage room, gra his back.	ibbed a laptoj	o that was on	the register counter and threw it at	I ne lap	op struck
ins dack.					
Martine suddenly sto	opped attackin	ng <b>and</b>	focused his attention on the retail	l display area o	f the deli. By now,
	~ ~	4	walked out from behind the regist		•
<del></del>			y items to scatter and spill all over		
opportunity to run ou	t of the deli.		-		
			owd of people who were looking		
_	•		permission to use her cellular	-	_
			ry time he would dial 911 a femalent the dispatcher at least two times.		
Camoma Highway City Police Department		mung up or	i die dispatener at least two tilles.	TTO MAINTON TO C	omaoi mo namonai
orty i once Departme	/A.t.				
Momenta later	ogw g uni	formed moto	r officer arrive Sergeant Voung	was that office	er Sergeant Voung

overheard someone sa			as a gun."	Tours was axar	variot. Designmen	9
REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ťD#	DATE AND TIME OF REPORT	
Ybarra	381	INV	Smith	334	01/14/2014 09	: 07

INCIDENT NUMBER			N DIEGO REGIONAL	PAGE 5 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	N'S REPORT NARRATIVE	5 OF 91 DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assault	with a dead	lv weapon or i	instrument other than a firearm		
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT, CITY	STATE ZIP	· · · · · · · · · · · · · · · · · · ·			
530 W 21ST ST, Moun	t Laguna, C	A 91950			· · · · · · · · · · · · · · · · · · ·
the deli. Sergeant Yo appeared to be an en the ground. Martinez	ung could s ergy drink a ignored all	ee the suspect and was possib of his comma	Wer He co (Manuel Tomas Martinez) inside the ly eating something. Sergeant Y ands. Martinez' behavior led Ser ace of controlled substance.	the deli. Martine: oung at gunpoint	ordered Martinez to
radio. Sergeant Mee updated information,	ks arrived of Sergeant Monates that exited	on scene and leeks saw a pe I the deli throu	he suspect. Sergeant Young begatook a position. rson matching Martinez' descriping has a rear door located in the bases.	As Sergeant You tion run out of a v	ing broadcasted the varehouse just north
530 W. 21st Street is 520 W. 20th Street. ' with the trolley track	The storage	facility has (4)	uilding that is part of a self-stor ) separate buildings north of the irection.	age facility at "Ex deli. All of the b	tra Space Storage," uildings run parallel
that had concertina we the trolley tracks for and continued to run	rire on top. ' a considera northbound	This led to the ble distance. O l alongside of	buildings and eventually hoped trolley tracks next to the self-sto once over the W. 18th Street, brid a chain-linked fence. Martinez th h Street that leads to Harbor Driv	rage facility. Mart Ige, Martinez ran hen ran down an e	inez ran north along off the trolley tracks
There was a white the onramp. Martine the	z ran down This was wi	the embankme	k parked in front of a green ent, which was covered by ice plice officers and the drivers of the	ant and dove head	he west easement of first into the bed of tioned.
the move. Martinez was Martinez. Officer St. body as he laid face	Corporal K bleeding fr innett was a down on	los drew his pom him mouth ble to handouth the bed of the	Stinnett arrived on scene as Ma police issued pointed in and face. Officer Stinnett clim off Martinez' right hand. Martine pickup truck. Both officers ord his left hand tight under his body	t at Martinez, and bed into the bed on the had his left han dered Martinez to	l ordered him not to of the truck to arrest d secreted under his
comply. Corporal K	los' punche Martinez s	s were ineffec	on the left side of his face in or tive. Corporal Klos holstered hi n his upper left arm in an attemp	is and dr	ew his police baton

area of his torso. Mar	inez also star	ted to kick h	is feet around. Sergeant Med	eks arrived and	i deployed his in
REPORTING OFFICER Ybarra	1D# 381	DIVISION	APPROVED BY Smith	10# 334	01/14/2014 09:07

At the same time, Officer Stinnett held on to the handcuffs that were on Martinez' right hand and punched Martinez several times on his face in an attempt to achieve compliance. Those punches were also ineffective. Martinez did not comply with their commands and increased his resistance by tightening up his body and kept his left hand under the

INCIDENT NUMBER	1		N DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICER	R'S REPORT NARRATIVE	6 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	<u>lt with a dead]</u>	y weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION	(S)				
LOCATION OF INCIDENT, C	ITY STATE ZIP				
530 W 21ST ST. Mc	ount Laguna, CA	91950			

the mode in the middle of Martinez' back. This caused Martinez to place his left hand on his back. Stinnett was able to handcuff Martinez. Stinnett exited the bed of the truck and lowered the tailgate.

Corporal Klos and Officer Stinnett both slid Martinez back toward the street feet first. The officers assisted Martinez to his feet. Initially, Martinez refused to stand on his own. Officers instructed him to stand up. Martinez stood up and was walked to the hood of a nearby patrol vehicle. Once at the right quarter panel of Corporal Klos' patrol vehicle Officer Stinnett and Corporal Klos began to conduct a more thorough search of Martinez.

With Martinez facing the hood of the patrol vehicle and bent forward at the waist, Corporal Klos searched the left side of Martinez. Corporal Klos also removed Martinez' left shoe. As he did that, Martinez began to resist again by trying to move his body around. Officer Stinnett searched the right side of Martinez. As Officer Stinnett removed his right shoe, Martinez attempted to kick him. Martinez was able to move his hands to the front portion of his waistband and rigidly tensed his arms and body. Officers feared Martinez was attempting to retrieve some type of weapon from his waistband to assault them. Corporal Klos and Officer Stinnett guided Martinez to the ground in an attempt to control him.

While on the ground, Martinez attempted to kick Officer Stinnett several times. Officer Stinnett kicked Martinez on his right thigh with his right foot in order to stop Martinez from trying to kick him. Both Corporal Klos and Officer Stinnett knelt next to Martinez to try and control him. Officer Stinnett was trying to control Martinez' legs and feet. Corporal Klos was trying to control Martinez' upper torso and head. Martinez continued to violently resist the officers by trying to twist his body and kick his feet into the asphalt.

Martinez continued to actively resist and told the officers, "I have a weapon!" Fearing for his safety, Officer Stinnett drew his department issued and the same it in the mode on Martinez' lower back. This caused Martinez to yell out loud and temporarily calmed him down. Suddenly, Martinez began to shout out loud, "You don't know who I am. I'm Ghost. Fuck you!" Martinez continued to violently resist. Detective Corporal Shephard arrived on scene. Corporal Shephard was wearing his full police uniform.

Officer Stinnett and Corporal Shephard attempted to immobilize Martinez' feet and legs by attempting to deploy a department approved to the leg restraint on him. Even after the leg restraint had been applied, Martinez continued to violently resist. Subsequently, additional officers were able to remove Martinez' hands from his waistband and used a hinged handcuff to restrict his movements.

After a violent and continuous struggle, Martinez was taken into custody by several officers. Please refer to all of the attached supplemental police reports for all the details of their accounts of this incident. Martinez sustained several injuries to his head and face as a result of jumping into the bed of the truck head first. Officers requested for paramedics to respond to evaluate the injuries Martinez had sustained.

NCPD Fire Department arrived first on scene. They all saw Martinez non-complainant behavior. Medical personnel from American Medical Response (AMR) arrived on scene shortly after. It was unit 494. The paramedics assigned to this unit were Ahamed Hluz and John Joseph Prietto.

Both paramedics could all see Martinez continued to violently resist the officers as they held him down to the ground. Eventually, Martinez was placed onto a gurney with full restraints to prevent him from hurting himself or others.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER	1		AN DIEGO REGIONAL	PAGE	CASE NUMBER
			ER'S REPORT NARRATIVE	7 OF 91	1207248
CONTINUED PROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	<u> </u>				
	with a deadl	y weapon or	<u>instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S)					
				<del></del>	
	STATE ZIP				
530 W 21ST ST, Mour	nt Laguna, CA	91950			

While on the gurney Paramedic Prietto decided to	Per the San
Diego County EMS Protocol/Policies	
About a minute after Martinez has been also been able to the ambulance Martinez has been able to the ambulance Martinez has been able to the ambulance attending NCFD Firefighter Benjamin Garcia drove the ambulance to UCSD Medical Center.	sport. While in the They were
Martinez was admitted and remained in the Intensive Care Unit at UCSD Medical Center.  Martinez expired on December 5th, 2012	2 at 0317 hours.

On December 6th, 2012, Chief Deputy Medical Examiner Dr. J. Lucas from the San Diego Office of the Medical Examiner performed the autopsy on Martinez.

On 05/02/2013, I received an electronic copy of Martinez' autopsy report. Chief Deputy Medical Examiner, Dr. J. Lucas, certified Martinez' death as "complications of resuscitative cardiopulmonary arrest due to acute methamphetamine intoxication, and the manner of death as accident." Please refer to Dr. Lucas' complete autopsy report for detailed information.

Based on the aforementioned facts and no evidence of criminal wrongdoing from public safety or emergency services personnel this investigation is now closed.

# **ORIGIN**

On 12/01/2012, at about 1016 hours, the National City Police Department received numerous 911 calls reporting a possible robbery in progress at the "Eat and Go Trolley Deli," 530 W. 21st Street in National City. Multiple officers responded to this location. The male suspect was reported to still be inside the business. He was described as White male adult in his 30's with numerous tattoos. He wore a white t-shirt and blue jeans. The suspect was possibly armed with a knife.

REPORTING OFFICER	1D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT	
			Cond tola	334	01/14/2014 09:07	
Ybarra	381	INV	Smith	1 334	VI) 14/2014 0510.	

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	***				
PC <u>245A1 ~ Assa</u> uli	t with a dead	ly weapon or	' instrument other than a firearm		
ADDITIONAL CODE SECTION(S	)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP				
530 W 21ST ST, Moi	ınt Laguna, C	A 91950			

### INVESTIGATION

### Background:

During the investigation, it was discovered that Manuel Thomas Martinez had been recently released from a California State Prison. He was discharged from the Richard J. Donovan Correctional Facility on 11-20-12. We were also made aware he had several major untreated preexisting medical issues.

On 03-24-2005, Martinez was admitted into Paradise Valley Hospital (PV	VH) and was	
During this episode Martinez was aroused from his		It was reported on
the medical log that Martinez became	He was	and later
discharged from PVH.		

I arrived to NCPD at about 1300 hours and waited for the other detectives. I was told by Detective Walters, Sergeant Meeks, Corporal Klos and Officer Stinnett where some of the officers involved with the apprehension of Manuel. Thomas Martinez. Sergeant Meeks was one of the on-duty patrol supervisors at the time of incident. All three patrol officers were in the NCPD Investigations bay waiting to brief detectives. Martinez was in the Intensive Care Unit at UCSD. Officer Barawed was with him at the hospital.

At about 1320 hours, NCPD detectives were briefed by Patrol Sergeant Meeks and all the police patrol personnel who had witnessed the incident. During our briefing, we were told that the initial call had gone out as a "robbery in progress at a deli located next to the E. 24th Street trolley station."

During their initial response, the exact address to the business had not been provided. Multiple officers responded to that area. As the officers were responding, NCPD dispatch provided an update that the suspect was possibly inside the business armed with a knife and someone had been possibly shot. The suspect was described a White/Hispanic male with tattoos. This was the preliminary information we, detectives, were given.

After receiving the patrol briefing, I assigned detectives different tasks:

- Detectives Nagle, Villariasa and Investigator DiZinno were to locate Martinez' place of residence, secure a search warrant if required and interview anyone they located there.
- Detective Wilkins and Crime Scene Specialist Kirkendall were to document and process the two crime scenes.
- Lieutenant Tellez and Sergeant Leach assisted Detective Wilkins with crime scene containment.
- Sergeant Cordero Interviewed (2) eye-witnesses,
- Officer Dougherty interviewed NCPD firefighter/paramedic Michael Sosamon.
- Detective Villariasa interviewed AMR Paramedic John Pireto and NCPD Fire Captain Mark Gundert.
- Investigator DiZinno interviewed AMR Paramedic Ahamed Hluz and NCPD Fire Captain Benjamin Garcia.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	tD#	DATE AND TIME OF REPORT
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INCIDENT NUMBER SAN DIEGO REGIONAL PAGE CAS					CASE NUMBER
CONTINUED FROM	BEAT	OFFICEF DISTRICT	R'S REPORT NARRATIVE		1 1207248
CRIME	24		12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tue	TIME 10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)	vith a deadly	weapon or	instrument other than a firearm		
LOCATION OF INCIDENT, CITY	STATE ZIP		<u> </u>		
530 W 21ST ST, Moun	Laguna, CA S	1950			
• Detective Wa acted as my co-case a		erviewed	He was the victim cle	rk from the d	eli. Detective Walters
	Int	erview	(VICTIM/WITNE	<u>SS)</u>	
provided us a	statement of	he turn of	Valters and I met with at the events that led to Martinez' appropriate a synopsis of our communications.	ehension. The	entire interview was
Synopsized Statemen		(VICT)	M/WITNESS)		
resides at		in	National City.		
Detective Walters sh Martinez as the person			eup that contained an image of Mearlier in the day.	lartinez.	positively identified
21st Street in Nationa	al City.  Tomas Marti	was at the nez, entered	king as a clerk at the Trolley Side refrigerator on the southwest of the the business and went to the from	the business y	vhen the suspect, later
	lartinez began iched <b>(1988)</b> o	to punch n the back		sing to the	
picked up a ho Martinez returned to to on his back.			rage room and held it up to blocked up laptop computer and		unches from Martinez.  The laptop struck
	n out of the l	ousiness, so	over some shelves spilling merch he did. Once outside, he asked		
		INVE	STIGATION CONTINUED		
crime scene was proc been ransacked. Seve security at this scene	essed. Detectional display it Detective W	e Walters a ems were a ilkins was	to the Deli. His father was there and I walked the crime scene toget scattered around the floor. Office doing the documentation. Detective 8th Street on-ramp to Harbor Drive	her. The smaler Sakamoto ve Walters an	I deli appeared to have was providing outside
REPORTING OFFICER Ybarra	1D# 381	DIVISION	APPROVED BY Smith	10# D/	ATE AND TIME OF REPORT 01/14/2014 09:07

INCIDENT NUMBER		SAN	DIEGO REGIONAL	PAGE	CASE NUMBER
			S REPORT NARRATIVE	10 OF 91	1207248
CONTINUED FROM CRIME	BEAT 24	DISTRICT	DAYE 12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tue	10:16
PRIMARY CODE SECTION				<u> </u>	1
ADDITIONAL CODE SECTION(S)	with a deadly	weapon or 18	nstrument other than a firearm		
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, Moun		91950		<u></u>	
When we arrived, the Specialist (CSS) Kirl together. While at the the officers as evid aforementioned non-late NCPD, I collected them inside the evide On 12-01-12, at abord condition. On our arr ID# Dr. Told me Ma for testing. Martinez positive for amphetar requested they notify	e scene was becendall was persone, I decience. Detect ethal weapond I Sergeant Mance room in the sergeant of t	being protected processing that ided to collect ive Walters as.  eeks' and Off the Investigations, Detective Verbie directed to the thing in the Surface in the Surface in the hosp as any change	d by yellow crime scene tape and it scene. Detective Walters, CSS is the impact weapon and Tasers that and I left the second scene and icer Stinnett's Tasers and Corporations Division. I replaced all of the elevators and I went to UCSD Medical Center for an update on Maradical	Kirkendall and I at were used during the desired of the last of th	walked that scene ing this incident by PD to collect the sevidence. I stored three officers.  check on Martinez physician physician men from Martinez SD. He had tested is not under arrest. I
			, and the state of	, villation	
copy of the surveillar	ice videos fro	om the deli an	ers and I took Investigator DiZinned the neighboring business from the larger for more information.		
On 12-03-12, at abou	ut 1414 hour	s, I called U	CSD Medical Center to get and u	ıpdate on Marti	nez.
	nez attacked ung. Please	She harefer to Serge	d moved to Mississippi. Her stater eant Young's supplemental report	nent was the sai	
	al Examiner		ounced dead at UCSD Medical Coccustody of Martinez' body. I ass		
Martinez' mother,		at NO	alters and I met with Martinez' br CPD. We met with them and docur nents were later transcribed and att	nented there sta	
DEBOOTING OFFICED		Longion			

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	tD#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			N DIEGO REGIONAL R'S REPORT NARRATIVE	PAGE 11 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	with a deadl	, Meanon or	instrument other than a firearm		
ADDITIONAL CODE SECTION(S)	WICH a GEAGL	меарол от	(115 El Gillette Oction Citati a 111 Carar		
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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, Moun	t Laguna, CA	9195 <del>0</del>			

In his statement, the statement, told us his brother had preexisting medical conditions that had been untreated. He also identified Martinez as a known smoker and drinker. Martinez was also a known poly drug user. He had known and approblems; and a statement history of the statement. The following is a transcription of our communication. The original recording is available for review.

AGENCY: NCPD

CASE NO.: 1207248

INTERVIEW OF:

INTERVIEWED BY:

DETECTIVE ANTONIO YBARRA DETECTIVE WADE WALTERS

TRANSCRIBED BY: Beatrice Gonzalez

## 1207248: INTERVIEW OF NUNO FAMILY

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	LtD#	DATE AND TIME OF REPORT
				334	01/14/2014 09:07
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INCIDENT NUMBER	""	5	SAN DIEGO REGIONAL	PAGE	CASE NUMBER
	OFFICER'S REPORT NARRATIVE			12 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24	i	12/1/2012 - 1/14/2014	Sat - Tue	10:16
	STATE ZIP	<del></del>			

Detective Wade Walters, Detective Ybarra will be referred to as "AY" and Detective Walters will be referred to as "WW", will be referred to as 'and and will be referred to as ' AY: Got some parts there... You know that, from my, called me later that night you know irate and I'm trying to put the puzzle together you know its slowly dissecting everything. That's pretty much what I kind of got why this, and nobody really knows you know and that's kind of the main reason why we want to come in too. AY: Absolutely. Is to get the full story. AY: So before we get started, let me just get some formalities out of the way and this way we can get started, okay? All right, today is ah, I'm pretty sure it's December the 5th, ah 20-12, it is Wednesday; it's three o'clock in the afternoon. We're at the National City Police Department. Ah present in the room with me is Detective Wade Walters. Can you please ah give us your first and last names, spell your last name. Ah AY: Ma'am can you do the same?

AY: Same thing...

l I mean

AY: Thank you and my name is Detective Antonio Ybarra. I'm the ah, the lead detective on this investigation. And this is reference case number 1-2-0-7-2-4-8, an incident that occurred on the first of December of this year at approximately 10-16 hours in the morning. The location was 5-30 West on 21st Street.

WW: Unintell--- Thanks Bud.

Do you have some I.D. that I can see please? Thank you ma'am. Thank you sir. And again, this is just so I can document who I spoke with.

Mmm hmm.

REPORTING OFFICER	(D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT	
Ybarra	381	INV	Smith'	334	01/14/2014 09:07	

INCIDENT NUMBER		SAN DIEGO REGIONAL			CASE NUMBER	
,	İ		ER'S REPORT NARRATIVE	13 OF 91	1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
GRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16	
ADDITIONAL CODE SECTION			instrument other than a firearm			
LOCATION OF INCIDENT, C	ITY STATE ZIP					
530 W 21ST ST, M	ount Laguna, C	A 91950				
AY: Everything	on here is ah	accurate				

Umm actually that address, the home address is ah, I'm out in ah Spring Valley now.

AY: Oh.

San Diego, so that's my old address. So do you need the address as well?

AY: Ah in a second, yes please.

Okay.

Were you present when our detectives were at house? AY:

No.

AY: Who was there? I, I thought...

Mmmmm...

Ah me, ah

Is that another brother? AY:

My brother.

AY: Okay.

Mmm hmm.

so he's probably couldn't be a good you know contact person. He yeah, he's, he's got

WW: Got cha.

We appreciate the way you stepping forward man, taking the lead on this. Dude you don't know how much that helps us, both sides.

I just wanted you know, figure it out. I want to know exactly what happened.

Sure, sure. AY:

Umm and I want to help you guys out as much as possible.

What, what is your current address please? AY:

					- AND AND THE OPPOSITOR
REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			N DIEGO REGIONAL 'S REPORT NARRATIVE	PAGE 14 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue_	10:16
PRIMARY CODE SECTION PC 245A1 - Assault	with a deadl	weapon or t	nstrument other than a firearm		
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, Moun	t Laguna, CA	91950			

Ah Ah San Diego, California, 9-2-1-1-4.

AY: Ah you have a cell number?

Ah it's

AY: Home number?

Umm I, I live by my cell phone.

(Laughing)

AY: Okay. Also ah, work or school?

Ah I have a work number. Umm, I prefer that you call me just on my cell, you know.

AY: No, no ah I will but...

Umm

AY: Mmm hmm.

AY: Where's that at?

And that's ah, it's system and...

WW: Talk to everybody but you?

You know I would rather keep my work with work and my, you know.

WW: I gotcha.

When you guys call your detectives such and such and gossip around there's...

WW: Mmm hmm.

When you work a bunch of women.

(Laughing)

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

OFFICER'S REPORT NARRATIVE  CONTINUED FROM CRIME 24  DISTRICT DATE 12/1/2012 - 1/14/2014  PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950  AY: What do you do there man?  Umm there ah, I'm in a well well  Well	DAY OF WEEK TIME	INCIDENT NUMBER	SAN DIEGO RE	EGIONAL	PAGE	CASE NUMBER
CRIME 24 12/1/2012 - 1/14/2014 Sat - Tue  PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm  ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950  AY: What do you do there man?			OFFICER'S REPOR	T NARRATIVE		
PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950  AY: What do you do there man?	Sat - Tue   10:16				l '	1
PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 215T ST. Mount Laguna, CA 91950  AY: What do you do there man?			12/	<u>/1/2012 - 1/14/2014 </u>	Sat - Tue	10:16
ADDITIONAL CODE SECTION(S) LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950  AY: What do you do there man?						
OCATION OF INCIDENT, CITY STATE ZIP 530 W 215T ST. Mount Laguna, CA 91950  Y: What do you do there man?			<u>eadly weapon or instrument</u>	<u>other than a firearm</u>		
Y: What do you do there man?		IDDITIONAL CODE SECTION(S)				
Y: What do you do there man?						
Y: What do you do there man?		OCATION OF INCIDENT. CITY STATE ZI				
Y: What do you do there man?		•				
<u> </u>		330 W 2131 31, Hount Lagun	, LA 91930	<del> </del>		
<u> </u>			0			
Umm there ah, I'm in a well well well well			man?			
Umm there ah, I'm in a well well well well well well well we		Y: What do you do there				
Umm there ah, I'm in a war and well well and the second se		Y: What do you do there				
World and the state of the stat		Y: What do you do there				
			a well			
			a well			
No. Olson And rehet? the address of this many			a well			
Y: Okay. And what's the address of this man?		Umm there ah, I'm in				

Ah it's at Coronado

AY: And zip code at the island?

Oh 9-2-1-1-8.

AY: And do you have a set schedule or is varied unintell---

Ah it kind of varies ah, I've lately been on a pretty set schedule, yeah, eight to five and then I work umm you know weekends, some of the same.

AY: Oh a good varied right?

Yeah it, it does vary, yeah.

AY: Okay. Unintell--- Is everything here correct ma'am?

Yes.

AY:

Yes that's where I live.

AY:

Yes.

AY: Ah phone number for you ma'am?

Ah I can give you my cell phone number.

AY: Please.

It's ah area code

AY: Mmm hmm.

And its

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			I DIEGO REGIONAL 'S REPORT NARRATIVE	PAGE 16 OF 91	CASE NUMBER 1297248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assault	with a deadl	y weapon or i	nstrument other than a fi <u>rearm</u>		
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. Mour	it Laguna, CA	91950			

AY: And you have a home number?

Yes I, it's ah area code

AY: Do you work? You're retired or volunteer?

AY: Okay. Here's one of my cards. I'll make sure I have another one for you before you leave, okay?

Yes please.

AY: Umm well for starters, can you tell us how you found out about all this and what do you know.

So on Sunday, Sun well, Sunday morning about twelve, what time did you call me? Would you say about two a.m.? Two or three a.m.?

About.

calls me saying that you know National City P.D. showed up at her door saying was rushed over to USD Medical Center.

AY: Mmm hmm.

Its kind of all I knew at the time you know and I was like, and oh and that he was you know, dead on arrival umm, that's what she was telling me you know so I was like what you know so I rushed over to grab her and we rushed over to USD Medical umm where the doctors there said that he came in through E-D and ah he was a trauma patient, he had you know hit, his you know hit, his you know hit, his you know hit, his you know hit h

AY: Mmm hmm.

And he was, they were pretty much doing and and they said where they were able to and that's where he was kind of like. They said he was recommendations are the said where they were able to the said where the said where the said where they were able to the said where the said where the said where

That he was in a

AY: Okay.

And that's kind of what they said happened to him and then a doctor had came in, said that you know police had told them that umm yeah there was a robbery going on, ah attempted robbery.

#### AY: Mmm hmm.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY		ID#	DATE AND TIME OF REPORT
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Ybarra	381	INV	Smith		334	01/14/2014 09:07
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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 17 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION			· · · · · · · · · · · · · · · · · · ·		
PC 245A1 - Assau	lt with a dead	ily weapon o	r instrument other than a firearm		
ADDITIONAL CODE SECTION	(S)				
LOCATION OF INCIDENT, C	ITY STATE ZIP				
530 W 21ST ST. M	ount Laguna, (	A 91950			

Umm at a deli. She didn't say specifically. (She said that the 24th Street Trolley, that's what she said that's what the police officer had said. So I'm going off all these hear says you know.

AY: There was a police officer there at, at the home?

Yes a police officer unintell---

AY: Oh at your home, oh okay

I'm sorry, I'm sorry, I'm jumping around, I'm sorry.

AY: Unintell--- at the hospital.

No, no, no. So the doctor's telling me this you know that umm he, he attempted to rob ah, a, a deli.

AY: Mmm hmm.

And umm I guess it was like a fight going on between, well they, they didn't really know, you know.

AY: Sure.

And I guess the officer didn't really say much because it was a totally different issue.

I was told that they did not find nothing on Manuel. No weapons, no, nothing.

AY: That's accurate, yes.

So umm, umm so they told me at the hospital that umm ah he wasn't under arrest ah...

AY: Mmm hmm.

And that they were there, they weren't there to you know judge him on anything he done, they were just there to save his life and so that's why I'm kind of like... oh and, and the doctor was telling me umm that he, he had attempt to get away and his attempt to run away and ah he had ran, jumped into a back of a parked pick-up truck where he had smacked his head umm and the police officer had, a police officer had caught up to him about that time.

AY: Mmm hmm.

And umm I guess it was like a scuffle and then they detained him and his heart stopped at the time of that and that's when they started

AY: Okay.

- 1	REPORTING OFFICER	(D#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
	Ybarra	381	INV	Smith	334	01/14/2014 09:07
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INCIDEN	IT NUMBER		AAR	I DIEGO REGIONAL	PAGE	CASE NUMBER*
CONTIN	UED FROM	BEAT	OFFICER <sup>1</sup>	S REPORT NARRATIVE	18 OF 9	1 1207248
	CRIME	24	DISTRICT	12/1/2012 - 1/14/2014	Sat - Tue	1
PC 24	Y CODE SECTION 5A1 - Assault	with a deadly	weapon or i	nstrument other than a firearm		
ADDITIO	NAL CODE SECTION(8)					
	ON OF INCODENT, CITY 1 21ST ST, Mour		91950			
	That's, that's					
AY:	Sure.					
	Umm.					
AY:	Part of it is ac	curate, part o	f it is not.			
	Okay.					
AY:	Okay umm w	hat can you to	ell me about N	/anuel? You know we talked bries	fly on the pho	ne. I mean
		eally was to li	ive out, outsic	good guy you know he, well he is le the jail, you know. As you can		
AY:	How early do	you rememb	er, at what ag	e did he go in to the first time?		
	Well I think a	bout				
AY:		?				
AY:	Mmm hmm.					
why d	Ah, ah, ah M lidn't you take		oney that ah,	you paid for the medicine for me.		I told Manuel, Manue
AY:	Mmm hmm.					
	He went for n	ne.				
	So he started	off real young	<b>g?</b>			
	I don't know	ma, I don't kı	now ma, and t	hat was the first time.		
AY:	And then afte	r that he was	kind of in and	l out?		
	Yeah you kno	ow he				
	Mmm hmm.					

the second secon		and the second s			
REPORTING OFFICER	i ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER		_	AN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 19 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
		ly weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT. CITY	STATE ZIP				

And you know he went to you know the kind of thing. Met a lot of people here in the city, got in, affiliated with the gangs here in the city.

AY: Do you remember which one?

Umm I don't know. I know he's part of like O-T-N-C.

Ah it...

I don't know if there's like a different branches of O-T-N-C.

Manuel told me that ah, if ah he didn't join them, that they were gonna bring him down. So they jumped him and he, to them he passed.

AY: This was outside or in the jail?

Oh outside.

I remember the day too.

Eight years ago.

I remember when we went to go pick him up.

AY: Mmm hmm.

what happened, he's got like you know broken ribs and face is all busted up and, teeth all chipped up and ah I, I don't think it too chipped up but he had like, his lip was all...

AY: He was pretty badly beaten.

Yeah.

Yeah.

He was beaten up pretty bad and I remember him telling that story too if he didn't get into it that they were gonna, they were gonna make sure that he wasn't you know around.

Do you remember about what time was it? How old were you?

Man I was, I was probably like five or six. I remember sitting in, in my dad's truck, my dad had like this old pickup. We were just sitting, it's a little three seater.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 20 OF 91	1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24		12/1/2012 - 1/14/2014	Sat - <u>Tue</u>	10:16	
PRIMARY CODE SECTION						
		<u>ly weapon or</u>	r instrument other than a firearm			
ADDITIONAL CODE SECTION(S	)					
LOCATION OF INCIDENT, CIT	Y STATE ZIP					
530 W 21ST ST. Moi	int Laguna, C/	1 91950				

AY: So you're a little fella.

Yeah I remember looking at him and just like, the just, just hearing you know and just, I was there looking at him.

AY: How old was Manuel approximately? I mean how, how much older was he?

He was probably about twelve huh?

About twelve.

Twelve, thirteen?

About.

I think he was ah, he was going to National City Middle.

AY: Mmm hmm.

So that was about the time.

AY: So there's a considerable age difference there, are you almost seven years, you're probable almost eight, right?

Yeah, mmm hmm.

AY: So did you guys do stuff together? Were you guys ah, how was it?

You know it...

AY: Cause you seem totally different from...

Yeah totally different umm, I, I, we didn't do a lot because he was always in jail. Umm even through, you know when he was out, he was out for brief moments, six months to a year max I would say and then boom, he's in for another two to three years.

AY: So he did more time inside than outside?

I'm pretty sure you guys got that all on paper too so, he's done a lot, lot more time in jail than he was out.

AY: No, you know, I appreciate you being forthcoming. Believe me, you'd be surprised how many times people sometimes minimize...

REPORTING OFFICER	(D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL	PAC		CASE NUMBER 1207248
CONTINUED FROM	BEAT	OFFICER'S REPORT NARRATIVI	DAY	1 OF 91 OF WEEK	TIME
CRIME PRIMARY CODE SEC	TON 24	12/1/2012 - 1/1		Sat - Tue	10:16
PC 245A1 - A ADDITIONAL CODE S		y weapon or instrument other than a	a firearm	······································	
	NT, CITY STATE ZIP T. Mount Laguna, CA	91950		· · · · · · · · · · · · · · · · · · ·	
		e, we, we try to spend you know, it w	vas, it was a goo	d time and l	ne never, and ah, h
ever really s	hared like his, his l	ife. His addiction to anything but I	knew you know	w umm I m	ean it's hard to no
now. Umm	l worked in rehab fa	cilities and I've seen a lot of people,	a lot of users an	a	
Y: Yeah.					
And ju	st lying, you know	it just, I, it catches up, I start catch th	em in lies and	•	
WW: You ji	st, you recognize th	at lifestyle.			
Yean	definitely recogniz	e the mestyle.			
AY: Would	I you think he had li	ke a mental disorder going			
I think	so ah somewhat.				
Yeah	ne, you know he, he	a few times and ah			
AY: Really	?				
Yeah	ne, he definitely				
AY: On wi	nat?				
Ah m	ethamphetamines.				
AY: Meth					
Yeah.	There was a time n	naybe back in 2002.	•		
AY: Mmm	hmm.				
He m		here in National City, they took him to Paradise Valley Hospital. Umm h			
No th	s				
No?					
This v	vas the first time.				

_					
REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
THE ONTING OFFICER					01/14/2014 09:07
Ybarra	381	INV	Smith	334	01/14/2014 09:0/

No, no, no the, when he

Oh that they

INCIDENT	TNUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE	PAGE 22 OF 91	CASE NUMBER- 1207248
ONTINU	JED FROM	1	STRICT DATE 12/1/2012 - 1/14/20	DAY OF WEEK	10:16
RIMARY	CRIME CODE SECTION	with a deadly W	eapon or instrument other than a fir		
DOMINI	NAL CODE SECTION(S)	WILL a deadly w	eapon of mistroment other than a fire		
	NOFINGIDENT, CITY.	STATE ZIP It Laguna, CA 91	950		
130 H	2,131 31, 110di	it tagana, ch 31			
	But didn't, di	d, wasn't he in a	for a little		
	NT There		in in his		
	No, no. From	what I know, t			
	So I mean yo			I, I, I believe that the	ere was some type o
	maybe s	some, some kind	of there.		
w:	A bit of a slov	w down?			`
	I kent telling	the folks year:	after year when Manuel goes to cour	tandah Igo. Ikeep	telling 'em, Manue
eeds	to be at a place	to get intensive	care. Ah talk to a psychiatrist ah hav	ve the place do everyth	ing possible for hin
e ne	eds the help.				
	You know an	d the thing is he	, he was always looking for help too.		
	And				
		help you know	v, I just, oh go ahead.		
alled	Ah he, he tol	ld me that ah, h	e's gonna just be at my house tempo at he told me they told him that it wil	orary until these people can take up to two w	le from Sober Livir
anca Y:	, i		when people come out, yeah it takes al		
	This is the me	-	,		
			p calling them, tell them it's urgent if	they can push the situ	ation to get him in.
Y:	Mmm hmm.	•			
	Because I hor	nestly felt in my	heart that some, he's not going to ma	ke the two weeks.	
<b>.</b> Y:	Why is that n	ow?			
	Ah that some	thing was going	to happen.		·
Y:	Something th	at he would do	or just something would happen? The	ere's a bad feeling	
	You know th	at he won't, he	von't make it of getting it, getting in.	•	
	I spoke, I wen	t over to the ho	is feeling like I had the same thing use and I was actually in a, I have a n pristmas lights I put up and you kno	ewborn and umm you	know I was going

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07
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INCIDENT NUMBER		OFFIC	PAGE 23 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assau ADDITIONAL CODE SECTION		dly weapon o	r instrument other than a firearm		
	ount Laguna,				

530 W 21ST ST, Mount Laguna, CA 91950
everything and he was, he told me he didn't, he wasn't feeling too good and I, I think there was already somethin think he might have umm you know started using or something there.
Also but that's not the only thing. He came in my room, right before all this happened. He says mom, went like this, my
Yeah.
I'm in pain and he says that he went to the bathroom and that the ah what did you call it?
His His His His His His His His His His
It's full of
That ah had a lot of
Umm he's, he's had issues. I mean he's got, he's had the same of drug use and umm I just think it kind of went untreasumble he was in jail and
Yes.
When he came out, he was just in a lot of pain.
I told him please Manuel, tell your P-O that you wanna check into the hospital. Do it because that doe look right.

Mmm hmm. AY:

He was in pain but he...

I, I could tell that he, he was hurting and this was a day right out of jail so.

Right out of jail, on Wednesday. AY:

Yeah he...

But what time do you think it was, the time unintell---AY:

Ah I got off at five and I was there by the house by about five thirty, five thirty five and I, I seen him. You know and, I, I, I couldn't tell if he was on something or he was in pain but my mom was telling me he was, he was umm he was so I, I kind of assumed that he probably was in pain.

	(H)	DIMISION	APPROVED BY	I ID#	DATE AND TIME OF REPORT
REPORTING OFFICER	ID#		1 2	334	01/14/2014 09:07
l Ybarra	381	INV	Smith	334	01/14/2014 03:01

INCIDENT NUMBER		SAN DIEGO REGIONAL		PAGE	CASE NUMBER+
		OFFIC	ER'S REPORT NARRATIVE	24 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
		<u>ly weapon o</u>	r instrument other than a firearm		<u> </u>
ADDITIONAL CODE SECTION(S	3)				
LOCATION OF BUILDING OF	W OTATE 211				
	Y STATE ZIP				
530 W 21ST ST. Mo	unt Laguna. Ca	۹ 91950			

AY: Sure.

WW: When you talked to him, was he kind of down in the dumps or was he, you said...

No he wasn't like down but he was like you know I, I'm not feeling really good right now. He goes and when I see the baby I want to, I want to be able to you know hold her and you know love her and every, I'm just not feeling like it right now. You know I had dinner planned for him you know so umm for, for him to kind of just, I knew there was something, you know.

AY: Okay umm so ma'am, what can you tell us about, so what, what did he do like Wednesday, Thursday and Friday? Can you kind of break...

Before this happened?

AY: Yes ma'am. Can you kind of walk us through those days please.

Well he, he just ah starting to write ah letters. I don't know to who cause I never get to ah see it.

AY: Sure.

And umm hear the radio, you know the music and umm eating and then ah, ah using the telephone a lot.

AY: Which phone?

Umm my cell phone.

AY: Your cell phone?

Ah huh.

AY: Okay.

WW: What was it, that phone?

Yeah.

WW: Would you mind if I looked at that? Are those calls still in there?

I, I don't know unintell---

There's going to be a lot of numbers in there cause...

I don't know how to do that.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER				25 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	<u>t with a dead</u>	<u>ly weapon o</u>	r instrument other than a firearm	·	
ADDITIONAL CODE SECTION	(8)				
LOCATION OF INCIDENT, C	TY STATE ZIP				
530 W 21ST ST, Mc	ount Laguna, C	A 91950			

been calling everybody since Manuel's passed away.

WW: Go back to the, the days.

AY: Well were only interested on, on unintell---

Oh within those days.

AY: Yeah. Ah so keep to, keep coming.

Ah so...

uses that phone as well too so.

AY: Okay.

He leaves for a little while and he went over to some house to eat chicken because ah the made food for him. She invited him.

AY: Okay so, this is important ma'am. What day is this that he goes out?

Ahhh.

AY: Is it Wednesday or Thursday?

It think it's, it was the 2nd.

AY: So, so it was Thursday? The next day?

Yeah.

AY: Okay.

And that he stayed for a little while and then umm because ah the mother ah has a, her son in a, in the prison where Manuel was.

AY: Oh okay.

They were both friends like this since ah elementary.

AY: You know, you know where this person lives?

No, that I don't know.

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INCIDENT NUMBER	SAN DIEGO REGIONAL			PAGE	1207248	
i	i	OFFICI	ER'S REPORT NARRATIVE	26 OF 91		
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION						
PC 245Al - Assault	with a dead	<u>lly weapon or</u>	<u>' instrument other than a firearm</u>			
ADDITIONAL CODE SECTION(8)						
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LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST, Mou	nt Laguna, C	A 91950				

Like, like he, like...

He said he's gonna to be getting out ah March something.

AY: Name? Do you have a name? Nickname?

Ah I only know the first name

AY: okay.

At the place where ah Manuel ah...

AY: Manuel was in Donovan?

Yes, Donovan State Prison.

And he might of had a cell mate.

AY: Okay.

Well their really close friends since young.

AY: All right. So what time do you think he went over there? Approximately? Was it in the morning or late in the evening?

Mmmm early evening.

AY: Early evening? Does he come back that same night or does he...

Yes at the, in the evening, yeah.

AY: Then what happens ma'am?

He just ah lays down and go, goes to sleep but before that, he was complaining about his

AY: Oh so he was, I mean this is right out of, literally coming out of prison, he's complaining about the following days, he still complaining about it.

Yeah but he didn't go to the ah emergency.

AY: Did he go to the hospital?

He didn't go, I begged him but he says that he has to do something first.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra -	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NÚMBER	···		SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICER'S REPORT NARRATIVE			1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	t with a dead	ily weapon o	r instrument other than a firearm		
ADDITIONAL CODE SECTION	8)				
LOCATION OF INCIDENT, CI	TY STATE ZIP				
530 W 21ST ST. Mo	unt Laguna. (	A 91950			

AY: Okay.

I felt he was pressured cause he said that he owed a guy, you know that is in prison, five hundred dollars.

AY: Mmm hmm.

That really worried me.

AY: Did he say for what?

Ahhh I guess those people inside, what do you call them, deputies or...

AY: Yes.

That brand of place.

AY: The C-O's?

Ah huh, didn't get, wasn't aware of what was going on and from what the little bit that I know that he told me.

AY: Yes.

That he was willing to help this cell mate and he swallowed a bag in here. Moments later it burst. Those people there ah didn't find out because someone there had a syringe and ah

AY: So some, what he...

Right shortly before he was released.

And so, so umm, kind of sounds like...

He owed...

Like he was moving around drugs for him.

Five hundred dollars to the guy because it burst inside.

AY: He O-D'd unintell---

Okay but he got out of it.

AY: Okay.

	154	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
REPORTING OFFICER	ID#		Smith	334	01/14/2014 09:07
Ybarra	381	INV	34(1 (1)		

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	28 OF 91	CASE NUMBER* 1207248
CONTINUED FROM  CRIME	BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	DAYOFWEEK Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - ASSAU ADDITIONAL CODE SECTION		ly weapon or	r instrument other than a firearm		
LOCATION OF INCIDENT, C		A 91950	***************************************		

And then, he told me that the guy told him, when you leave here, take care of the matter. Ah give the money to you know his mom because he owed him five hundred and he would hate for something to happen to him out in the streets.

AY: Oh so they were charging him for what, what bursted in his stomach.

Yes, yes.

AY: He was being blamed.

And I felt that he was on, on big you know pressured.

Umm I actually got a question like, it sounds like this is a little bit more serious than, than I think we, you know kind of thought. What, what is it that, that you guys are investigating? I know and we never really got the chance to...

Yeah.

AY: Were investigating the attempted robbery okay and...

But how could...

Hold on, hold on, hold on, let him talk.

They didn't find anything on him.

AY: No ma'am no.

How could he attempt robbery?

Hold on.

Oh okay.

AY: We're reviewing the attempted robbery and ah we're also following up on the death investigation. That's what we're doing...

Oh on his death investigation.

AY: On his death investigation.

Okay.

AY: So between ...

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	CD#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 29 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assaul	t with a dead	ly weapon o	r instrument other than a firearm		
ADDITIONAL CODE SECTION(	5)	·			
LOCATION OF INCIDENT, CI	Y STATE ZIP				
530 W 21ST ST. Mo		A 91950			

Yeah that's kind of weird.

AY: So between that whole thing, we have to look at everything. We have to look at all the reports. We have to ah...

I can, I can tell you umm like my mom said, he owed somebody some money. This is what he, what he had told me a little bit. He said he was gonna, he was gonna hustle so ah, I think he was buying dope. Umm he got a check while he was in jail umm that my mom gave him when he got out so he can cash it so he can get some...

Which he did.

Necessities you know which he did but I think he probably spent it on dope to sell, make some more money.

And to pay the guy off.

To pay the, to pay these people that he owes.

That, that.

You know, cause he said that they were out to get him. I don't know who it is, you know I don't, that's not my, I never asked you know. I never asked questions umm but I think he was trying to make this money to, to pay these people off so they won't whack him and they threatened you know his family.

He was being pressured.

AY: I'm sure that's, that's usually their, style there.

Mmm hmm.

AY: They threaten everybody. So were, were back on Friday ma'am. So what, what happens after that on Friday? So, what Friday morning he's home?

Umm...

AY: Cause when he got back from having supper, dinner with this lady.

Mmm hmm, mmm hmm.

AY: He gets back home and again he complains about the

Yes.

AY: So he goes to bed, doesn't go back out?

		154	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
	REPORTING OFFICER	ID#			334	01/14/2014 09:07
1	Ybarra	381	INV	Smith	334	

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 30 OF 91	CASE NUMBER- 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assaul ADDITIONAL CODE SECTION		ily weapon o	r instrument other than a firearm		
LOCATION OF INCIDENT, CL	TY STATE ZIP Junt Laguna. (	A 91950	<u> </u>		

Ah no, no.

AY: So now were at Friday morning. Walk me through Friday please.

Friday morning oh...

AY: If you remember.

Oh it's kind of hard. Ahh...

AY: Were almost done.

He, he...

AY: I know, I understand, take your time.

He gets, he leaves the ah house ah...

AY: Early?

Early not seven o'clock, six o'clock, no. Oh no, about ten thirty or so.

AY: Ten thirty or so?

Mmm hmm.

AY: By himself?

Yes.

AY: Cause he took your phone with him ma'am.

A coup... a couple of times he used it but then ah, the last time that he talked to me was on, I know it was on the pay phone twice.

AY: Okay so he calls you from the pay phone twice.

Ah.

AY: So this is on Friday?

Yes.

REPORTING OFFICER	15.0	- Division			
	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07
<del></del>					

INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER 1207248
		OFFIC	ER'S REPORT NARRATIVE	31 OF 91	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	t with a dea	<u>dly weapon o</u>	r instrument other than a firearm		
ADDITIONAL CODE SECTION(	S)				
LOCATION OF INCIDENT, CA	TY STATE ZIP	,			
530 W 21ST ST. Mg	unt Laguna.	CA 91950			

AY: What time do you think he called you?

About nine twenty.

AY: And what was that conversation like?

Ah he asked me to get those papers ah that I had on the entertainment center and to look at each one cause he want, he couldn't quite remember the number to the P-O.

AY: Oh okay.

He wanted to talk to the P, P-O.

AY: Okay.

I said, Manuel I don't see it and that oh I'm gonna hang up and see if I can remember. A couple of minutes later, he calls me asks me, did you find it? I said, no, cause he had ah application for, cause he wanted to get that driver's license.

AY: Mmm hmm.

Ah he had a paper of the people, I think it, cause it said the times to check in. Okay ah, that's about it.

AY: Okay and then, when do you see him again?

Ah that, that was it.

AY: Oh you didn't see him again after that? He didn't return home Friday night?

Oh.

That's Saturday. She, she, I think she jumped a little bit.

Yeah.

That happened all Saturday morning. What happened on Friday though?

Ah that was it. He, he, oh he did come home but then he left again and he came home real late.

So this is his regiment like he, he, he's the kind of guy that he comes home about twelve o'clock-ish, sometimes one you know in the morning hours.

Yeah.

	154	FURBION	APPROVED BY	ID#	DATE AND TIME OF REPORT
REPORTING OFFICER	ID#	DIVISION	AFFICORED BI	L	61/14/2014 09:07
l Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER	<u> </u>	SAN DIEGO REGIONAL			CASE NUMBER.
		OFFICI	ER'S REPORT NARRATIVE	32 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
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ADDITIONAL CODE SECTION(S	3)				
LOCATION OF INCIDENT. CIT	Y STATE ZIP				
530 W 21ST ST. Mo		A 91950			

Sleeps, wakes up probably eight o'clock, showers, out of the house by ten, then he's you know missing in action the whole day. He call, he checks in, he calls the pour know this is what I'm doing, la da da you know around six, maybe ten o'clock and then you hear him at the door again at one o'clock in the morning, repeat. It seems to be his, his regiment umm but...

AY: So, so Saturday as far as you know, is, is ah, shared with you, what do you know happened Saturday? Saturday morning?

- I, I didn't talk to him on Saturday umm, said that...
- Well he left.
- You know he came in...
- AY: What time?
- Well he came in that, that Saturday or that Friday night really late. He woke up probably would you say about eight or nine? Showered.
- Around there.
- Probably had a cup of coffee, made a phone call or two just to say like hey what's...
- Oh he did have a cup.
- What's going on, this cause I, I just know he's a creature of habit, you know. He calls people hey what's going on, you know he's real discrete about it. He'll have a cigarette or two and then book about like ten o'clock you know and then like I said...
- AY: Starts the whole thing...
- He's gone.
- Mmm hmm.
- Gone all day.
- AY: So, so ah on, on Saturday, did he make some phone calls on Saturday ma'am?
- Ahhh, I'm not, I don't quite sure remember that but ah, I know he was writing to someone. I don't think he finished it.
- AY: Okay.

REPORTING OFFICER	1 (0)	DIVISION	ADDDOVED BY	164	DATE AND YIME OF OCCUPANT
THE CATHOLIC	ID#	DIAIDIOM	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT	NUMBER				N DIEGO REGIONAL 'S REPORT NARRATIVE	PAGE 33 OF	CASEN 91	1207248
CONTINU	ED FROM CRIME	BEAT 24	Di	STRICT	DATE 12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tu	e TIME	10:16
PC 24!	CODE SECTION SA1 - Assault		eadl <u>y</u> w	eapon or i	nstrument other than a firearm			
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	NOFINCIDENT, CITY 21ST ST, Mou		, CA 91	950				
opened can go	I sat down in I the door and and get a sea	the reclin I a bunch rch warra	ner and of peop ont caus	my son ple, cops, a se we can g	who was about to leave be and ah they said, the guy said van but if ah you give us permit it's okay, don't	ecause he had to well ah, you kno	o go some ow Mrs.	where and he that we
threate	ened by, by the	more te, the peo	han wi ple that	lling to let came to h	them, you know, she's, she's or home and you know for, for	very cooperative her, for them to	e but if sh come firs	e kind of felt at of all to tell
	Embarrassin	g.						
	Her son is yo	ou know i	n the ho	ospital and	this is you know what's going o	on.		
ww:	It's overwhe	lming.						
here o	s burt by the	fact that t e're gonn	they jus na be ba	st came inte	really, cause she called me up to her, I mean drop that news or now. She, she's more than will	n her then said I	hey we ne	ed to come in
ww:	I think, I thin	ık at time	s we ge	et so immu	ne to it because we deal with stu	uff like this		
	Right.							
	Mmm hmm.							
ww:	And you pro	bably see	it at th	e hospital a	and			
	Yeah.							
WW: we're	You know, dealing with	it's, it's r folks and.	normal 	to see cert	ain things and we, we just son	netimes we as a	a, as a gro	up forget tha
	Different fol	lks.						
ww:	And yeah ar	nd it's						
and sl	And you gu he's more than	ys get a l ı willing t	lot of p to, she's	eople that s not gonna	are not cooperative, you know hide anything from you guys.	that, no, no, yo	ou come b	ack you knov
	No, I, this is	so weird	l <b>.</b>					
	She's, she's	been kno	own to,	to call and	call, call the police on her own		DATE AND TIME	
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INCIDENT NUMBER	1		SAN DIEGO REGIONAL	PAGE	CASE NUMBER
			ER'S REPORT NARRATIVE	34 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
		dly weapon o	r instrument other than a firearm		
ADDITIONAL CODE SECTION	S)				
LOCATION OF INCIDENT, CI	-1/ DYAYE 7/D				<del></del>
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530 W 21ST ST. Mc	unt Laguna. 🤇	CA 91950			

ıŢ	did.	ĭ	turned	him	in.
_		_	FAST TWAST	****	

She's turned him in.

WW: We've actually found a couple calls where you did.

So I mean she's not one to hide him so she's very cooperative.

Mmm hmm.

WW: Mmm hmm.

And I've told a cop in the past that was looking for him. I told him exactly where he could find him.

WW: Sometimes that's a, what it takes to protect your boy.

Ah it was ah, no I was told ah...

AY: Your mom was very cooperative. I mean cause when the guys went there, the plan was to go there and see if ah, yeah your brother was fourth waiver.

Yeah.

AY: And so they wanted to see the area where he slept, the area he kept the belongings.

They took pictures of a lot of things, it, they needed to do that.

AY: I understand, by what I understand like you said, by both of you admit, he'd only been there three days so...

Today's not much.

Not much.

AY: All right, so they shouldn't of turned anything over, I don't think they did.

She said they left him, you, they left a mess there in the home.

Hmmm.

You said they turned some things over and pulled some stuff out.

Yeah but ah, I, it was in the living room. They were wondering ah, that the, what's was those things ah leaning against the wall where the, ah living room window is at.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ťĎ#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		<u> </u>	SAN DIEGO REGIONAL	PAGE	CASE NUMBER
			ER'S REPORT NARRATIVE	35 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION		·			
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ADDITIONAL CODE SECTION	(S)		<del></del> ·		
LOCATION OF INCIDENT, C					
530 W 21ST ST, Mc	ount Laguna, (	CA 91950			

AY: Oh okay.

I said that stuff belongs to my other son who's staying just temporarily until he gets a place and right now he's at the Sharp Hospital. He's gonna be discharged in about one to two days from now.

This is another brother, he was kicked out of his house so he's kind of been just squatting there at, at my mom's house.

AY: Ah how many siblings do you have total?

So it's well Manuel, ah oh whoa, I have a half brother he's the one that's squatting there at the house.

AY: Okay.

Ah and then we got Manuel, me and my sister. It's five of us.

AY: And with the exception of you, everybody's at the house?

No ah with her boyfriend.

AY: Mmm hmm

Ah I'm at my own place ah, so it's just pretty much my mom.

And me.

And my other brother who's...

It's only temporary but ah, he's at, and they, the cop asked me ah why is he in the Sharp Hospital. I told him. He's about three hundred pound guy.

AY: Mmm hmm.

And he was in the area there and he admitted himself there because he felt very, very sick cause he's a and ah so ah he even called me to tell me that he's in the hospital. That ah, they told him that it's

AY:

Yeah. So he's been there for several days.

AY: Ah I'm sorry to hear about that as well. Ah how would you describe Manuel's personality? Would be it, it sounds like he could turn it on to be pleasant and then...

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REPORTING OFFICER	1 '	<b>\</b>	Smith	334	01/14/2014 09:07
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INCIDENT NUMBER			AN DIEGO REGIONAL R'S REPORT NARRATIVE	36 OF 91	1207248
CONTINUED FROM  CRIME	BEAT 24	DISTRICT	DAYE 12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assault applitional code Section(s)	vith a deadl	y weapon or	instrument other than a firearm		, , , , , , , , , , , , , , , , , , ,
LOCATION OF INCIDENT, CITY 530 W 21ST ST, Mount					

Ah he's, he's quite charming ah, ah, he's an opportunist, you know he jumps on opportunities ah you know he, he's a social chameleon. I mean he could pretty much work with anybody you know. He can, he could fool you to be a religious person, he can fool you to be you know, you know straight shot, clean cut guy, you know. You could always tell though he was, he, he just got out of jail. He just had that walk, that talk, that you know look that, inmate look, you know.

AY: Mmm hmm.

He'd stand, he'd have his arms behind his back, naturally, you know.

AY: Naturally.

Umm.

AY: Did he have a girlfriend?

Umm I wouldn't say girlfriends; he's a good looking guy ah, probably messed around with a lot of girls right here in...

Yeah,

National City umm, bunch of, I would say no girlfriend, I would say casual partners umm...

He ah, don't go looking for women but the women comes to him.

And the unintell--- had drugs.

And he likes to date a, a few older ones.

AY: Mmm hmm.

A lot of women that I had seen him with you know, prior to him coming out of jail this last time, you know a lot of the older women you see around here in National City, hanging out on 8th Street kind of, looking for dope you know, it was that, that group of women. I, I'm pretty sure you guys have all seen them all out here. And I see them all the time you know cause I, I drive the city all the time, come to see

AY: Mmm hmm.

And I, you know I, I visually look at everything around me and I see these people I'm like dang you know. And I, sometimes I worry that, that was going to be you know. If he didn't have a place to stay, that would have been him, you know.

AY: And is there any, what, what, and we talked about drugs, what drugs do you know that he used?

Vbacca   291   TMV   Smith   234   61/14/2014 69	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	tD#	DATE AND TIME OF REPORT
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INCIDENT NUMBER		-	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 37 OF 91	CASE NUMBER 1207248
CONTINUED FROM CRIME	BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assaul ADDITIONAL CODE SECTION		dly weapon or	instrument other than a firearm		
LOCATION OF INCIDENT, CO 530 W 21ST ST, Mo		CA 91950			

Umm he's ah, he's used heroin. Ah methamphetamine, marijuana, ah you know I've never seen him or heard him talk about coke. I actually never seen him do any of these. Umm never seen him do any of the drugs. He's actually really respectful with about doing drugs at the home.

Or on the...

Umm but I could smell it, whether it'd be marijuana or I could tell you know by the way he's acting.

AY: Unintell---

Yeah. Umm but I think umm heroin, and he would, he would umm and the meth.

AY: Did he over on heroin?

Ah I think no, just methamphetamine.

AY: It was only, just meth.

Mmm hmm ah he told me ah that ah, he has done that it's called speed ball.

AY: Speed ball?

Ah huh.

AY: Did he tell you what was in the speed ball?

No, no.

AY: When, when did he last do that that he told you?

Mmm he, he didn't tell me everything, he just told me that ah, speedball.

AY: Did he say when?

No.

AY: When did he tell you this?

Ah recently when ah, shortly after he got home from being released.

AY: Okay so he told you, had done a speed ball that day or he just, that he, that he just done one?

I'm assuming he probably did one around that day because he just got out so if he told her that he just did one recently, it had to be within maybe 48 hours of his release.

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INCIDENT NUMBER		-	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 38 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
		ly weapon or	instrument other than a firearm	<u>.</u>	
ADDITIONAL CODE SECTION	6)				
LOCATION OF INCIDENT, CI	TY STATE ZIP				
530 W 21ST ST. Mo	unt Laguna. C	A 91950			

AY: Hmm do you know what's in a speedball?

I don't know what's a speedball.

What worries me...

Ah it could be like a mixture of narcotics. It sounds it would probably be some type of maybe coke and meth.

What worries me is this whole thing umm, it, it's ah, I, I just can't believe it that it happened. I mean it, but what worries me is that thing that he swallowed in, not too long, I guess ah, a day or two before.

AY: Oh, oh, in prison.

In prison.

No, no, that, that actually happened months ago.

AY: Oh.

He got thrown in the hole for that.

AY: Oh so he did time...

Oh.

Yeah he, that's, that's prior to him getting thrown in the whole. That's the reason why he got thrown in a hole so that, that is, that is irrelevant toward kind of what this is about. I, I could see how that would fit, fits into his purpose on wanting to you know rob and sell drugs.

WW: Make the quick money yeah.

To make the money to pay the people off.

Yeah because of that he, I felt that he's was pressured.

AY: Okay.

And I always told him you know and he's like, I'll lend you money but just, just you know...

AY: Did he have a job?

Him?

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NÚM	BER			N DIEGO REGIONAL	PAGE 39 OF 91	CASE NUMBER 1207248
CONTINUED FR	ROM	BEAT	DISTRICT	R'S REPORT NARRATIVE	DAY OF WEEK	TIME
CR PRIMARY CODE	IME ESECTION	24		12/1/2012 - 1/14/2014	4   Sat - Tue	10:16
PC 245A1		with a dead	lly weapon or	instrument other than a fire	arm	
	NCIDENT, CITY	STATE 7/D	<del></del>			
		t Laguna, C	A 91950			
AY: Ye	ah.					
Ye	ah he, he a	ctually wor	ked at L-A Fit	ness for a little bit before he	went into jail this las	st time. He was like a
utritional	counselor	. I mean ne	s's a pretty big	guy, I don't know if you guy ips, sit ups and so, I, he was a	s nave nke ms, ms s nutritional counselo	at L.A Fitness for a
				go because just not showing		at 15-11 I taloob 101
	-		_			
	re, sure. V	/hat, how ea	arly, how far b	ack do you guys remember hi	im having some type	of medical condition
ke the	أكسي	? We're no	ot talking drugs	s here, were, how far back ca	in you guys rememb	er, jog your memor
ack.						
Oh	about sev	en years tha	t, cause where	I live, I've been there for abo	out six years and who	ere I use to live it wa
				tle bit about his		
AY: No	othing to					
No	thing like	blood in the	, ah how do yo	ou say it?		
			•	•		
AY:						
				•		
		ould say abo	out like four ye	ears ago, he had told me that	I was in school and	he was like oh, umr
you know			goes, what car	n I do, he goes or you know o	one day ne nad umm	, he had in th
	y	ou know.				
AY: M	mm hmm.					
					1	
Aı	nd ah, I gav	e him some	e ah samples of	f like and all generic, yo	u know.	
AY: Su	ıre.					
Ju	st to help	him with hi	s, with his thi	ng but you know I, I would	say about like four	years ago, he actual
started te	lling me a	bout like h	is, you know,	him having	so I'm assuming	that his wasn
working to	oo gooa, n	IS	veren't working	g too good.		
Aı	nd also he	told me that	ah, on the pho	ne when he was incarcerated	that ah, he has	
			• •			
AY:						

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REPORTING OFFICER	10#	DIVISION	Smith	334	01/14/2014 09:07

That's quite possible.

AY:

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 40 OF 91	CAGE NUMBER- 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	, , , , , , , , , , , , , , , , , , , ,				
		<u>ly weapon or</u>	<u>' instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S	5)	,			
LOCATION OF INCIDENT, CIT	Y STATE ZIP				
530 W 21ST ST. Mos	unt Laguna, C/	4 91950			

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LICOUNGE (	HIWA W W	10101	P30 212 29 0 1 1	** ******

There's a lot of jail tattoos.

Ah huh, the newest...

All his tattoos have been done in prison so...

The newest is on his right leg.

I remember when he told me he, he had he said he, he thinks he got it from...

WW: An hour twenty.

Tattoos in jail.

Now he had a lot of them. And he got it from having that done inside.

AY: Okay.

I know that.

But you know, it could have been from sharing needles out here too so...

Manuel.

Unintell---

AY: Do you want to go into the ah, contacts?

WW: Yeah. The one thing I like to ask you on your call log, it's actually been deleted. Do you only have the, do you only have two calls in there. Do you know who deleted it?

Oh ah my son I told him ah well, just save those two and delete it. I didn't know.

WW: No, no, no that's fine. I just didn't know if I was doing something wrong.

Umm.

No, no.

She, she's been on her phone all, all day, I don't know.

WW: The, the biggest thing were trying to figure out is, were trying to get a timeline on who he was with.

REPORTING OFFICER	(D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07
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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 41 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
		<mark>lly weapon o</mark> r	instrument other than a firearm		
ADDITIONAL CODE SECTION(S					
LOCATION OF INCIDENT, CIT	STATE ZIP				
530 W 21ST ST, Mou	nt Laguna, C	A 91950			

Oh.

WW: Obviously when he wasn't home with you guys, who he was with during those couple of days so we can interview them also.

Mmm hmm.

WW: So we can figure out what happened here.

AY: We probably know how he ended there unintell---

Well, that is like his spot. Like was it over here at the 24th Street...

WW: Mmm hmm.

AY: Yeah.

WW: Yeah.

That's like his spot. That's like a main area where a lot of these, I mean it's a trolley station.

WW: Mmm hmm.

You between 8th Street and you know Palomar, you know, you know Main, and that was like...

WW: His little hub?

Yeah you know he use to go down into Encanto as well you know. I, I even picked him up over there off of what is this? 61st and unintell--- I don't know what the trolley station is out there, it's like 61st Street.

AY: I believe so, I'm not too, I'm not too familiar.

WW: Yeah I know what you're talking about Imperial.

Yeah right around there. I know he had some affiliations out that way, real sketchy. I picked him up there you know before, not recently, before him all loaded so umm that was his way is just traveling, it's that trolley station. So he could have been, he could have been at any trolley station.

Well with Manuel, I really feel that, that ah since he was pressured, that led to what happened. He was like I guess desperate.

WW: Are, are the, the numbers in your phone, all they all yours or some are or are some are his, his? Like you have

ı	REPORTING OFFICER	1D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
	Ybarra	381	INV	Sm1th	334	01/14/2014 09:07
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INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER + ·
		OFFICI	ER'S REPORT NARRATIVE	42 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	. DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	t with a dead	ly weapon or	<u> instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(	S)				
LOCATION OF INCIDENT, CIT	TY STATE ZIP				
530 W 21ST ST. Mo	unt Laguna, C	A 91950			

Oh that's one of Manuel's friends.

WW: Manuel's friends?

Mmm hmm.

WW:

That's me.

WW: Okay,

Umm one of Manuel's friends, a lady.

I, I think that's like an ex, what is that like an ex-girlfriend or...

A friend no, a friend.

WW: Is that something he put in recently in your phone though?

Ah yeah.

WW: Within the three or four days he was out?

Ah hah.

WW: Okay, employer.

Hmmm, I didn't know that he put that in.

**WW**: 1

that's one of the friends.

WW: Umm

Oh that's my cousin. She called me.

WW: She's family.

Yeah.

WW: you

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

CONTINUED FROM BEAT DISTRICT DATE  CRIME 24 12/1/2012 - 1/14/2014 Sat - Tue 10:16  PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm  ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950	INCIDENT NUMBER		S	AN DIEGO REGIONAL	PAGE	CASE NUMBER
CONTINUED FROM BEAT DISTRICT DATE  CRIME 24 12/1/2012 - 1/14/2014 Sat - Tue 10:16  PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm  ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950					43 OF 91	1207248
PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 215T ST. Mount Laguna, CA 91950	CONTINUED FROM	BEAT		DATE		I
PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S)  LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950	CRIME	24	<u> </u>	12/1/2012 - 1/14/2014	Sat - Tue	10:16
LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST. Mount Laguna, CA 91950	PC 245A1 - Assault	with a dead	ly weapon or	instrument other than a firearm		
530 W 215T ST. Mount Laguna, CA 91950	ADDITIONAL CODE SECTION(S)					<u> </u>
	LOCATION OF INCIDENT, CITY	STATE ZIP				
	530 W 215T ST. Moun	t Laguna, Ca	A 91950			
			A 91950			

It's family. Family. WW: Family? Mmm hmm. who obviously be your son. Yes. WW: And That's a friend of Manuel's. WW: Of Manuel's? Mmm hmm. WW: Okay. Umm... You got some... WW: So that's, they give me something to do, I mean that's a big thing is you, you know we're worried about as big of a loss as you guys are trying to figure out what's going on as well. Yeah. WW: Ah and we want to be able to, to give you guys the answers that you guys deserve.

Yeah he was...

Yeah because...

Very secretive so I mean, its, its hard you know, just trying to figure it out.

I really feel that since Manuel was pressured ah, that ah, that led to what happened.

		ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
	REPORTING OFFICER	10#	Dialgrola			01/14/2014 09:07
Ì	Ybarra	381	INV	Smith	334	01/14/2014 05.07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 44 OF 91	CASE NUMBER+ 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME 10:16
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10.10
PRIMARY CODE SECTION					
		<u>ly weapon or</u>	instrument other than a firearm		
ADDITIONAL CODE SECTION	S)				
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***************************************	TY STATE ZIP				
530 W 21ST ST, Ma	unt Laguna, C	A 91950			

AY: Oh to the, what started?

Ah huh.

WW: Who, who's

WW: Yes.

Ahhhh Manuel ah, ah went around with her.

Ahhh.

Not the

Casual.

Good, you know friend.

AY: Was she around often?

You know not, not recently. Maybe before he was recently incarcerated.

Mmm hmm.

But I, I think she just probably did drugs with him.

AY: Do you think she visited him in jail?

No.

Ah I unintell--- so.

She's like, she's like

I don't know when Manuel was in downtown, San Diego.

WW: Would it surprise you if I told you she, she visited him in jail?

Ah probably.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 45 OF 91	CASE NUMBER 1207248
CRIME	BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	DAYOFWEEK Sat - Tue	TIME 10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S		dly weapon o	r instrument other than a firearm		
LOCATION OF INCIDENT, CIT 530 W 21ST ST. MOI	STATE ZIP	· · · · · · · · · · · · · · · · · · ·			<del>.  </del>

When he was...

She visited him in jail?

WW: Mmm hmm.

Oh unintell--- huh?

WW: Laughs

Well I think that she did visit him once in the downtown county jail.

WW: Okay.

Cause he had told me like hey you know, she was just like a little...

WW: Somebody to hang out.

Yeah.

WW: Good time.

Yeah guess she might have, had a little thing for him more than the other way around.

But she was ah fooling around with him and fooling around with some other guy at the same time.

Okay, how about a gal named

Friends of Manuel.

WW: Friend?

Ah huh, I know that.

AY: Same as the other girl?

Yes, friend.

AY: Okay.

WW: Okay.

A lot of his, he like affiliates were women, I don't know how...

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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i Ybarra	381	INV	Smith	334	01/14/2014 03:07

NCIDENT NUMBER			AN DIEGO REGIONAL	PAGE 46 OF 91	CASE NUMBER - 1207248
CONTINUED FROM	BEAT	DISTRICT	R'S REPORT NARRATIVE	46 OF 91 DAY OF WEEK	TIME
CRIME PRIMARY CODE SECTION	24	1)	12/1/2012 - 1/14/2014	Sat - Tue	10:16
PC 245A1 - ASSAULT ADDITIONAL CODE SECTION(S)	with a dead	ity weapon or	instrument other than a firearm	·	
LOCATION OF INCIDENT, CITY 530 W 21ST ST, Mou		A 91950			
VW: How about		at even			
Oh a friend.					•
				• • • • • • • • • • • • • • • • • • • •	11
vw: Okay cause i n older gal?	'm, I go bac	k to his in-cu	stody people that visit him and	said she was	nis wife. On is si
Oh is that					
<del></del>					
VW: There's a un	nten				
Oh(					
VW: No it's					
Oh I think th	at's	You l	know what, he never got married.		
They never g	ot married.				
He never					
VW: Was she olde	er, like she's.	•••			
About					
VW: Maybe twent	y years olde	r than he was	?		
Oh shit no.					
VW: This gal					
There's one	ady.				
This woman	I came up w	ith was born i	in <b>Caracteris</b> .		
Y: And she said	she was his	wife.			
VW: She's visiting	g him in jail	and there's a	little one with her.		
(Phone ringing	ng) Sorry.				

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

Ahhh that kid is about and he's been adopted.

INCIDENT NUMBER .			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 47 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24	}	12/1/2012 - 1/14/2014	<u>Sat - Tue</u>	10:16
PRIMARY CODE SECTION PC 245A1 - Assaul ADDITIONAL CODE SECTION(S		ly weapon or	instrument other than a firearm		
LOCATION OF INCIDENT, CIT 530 W 21ST ST, Mo		A 91950			

daughter, WW: Ahhh, this one, this is a gal named ah No he never got married because I would have found out. AY: Let me show you. WW: Yeah but like unintell--- cause he and I are about the same age. Yeah. WW: So right here you have wife and you have daughter. See the names? Now is that just something that they put, is that like legitimate background? They would actually, they would actually have to have physically write that so when you go to the jail log. Yeah. WW: You come visit, you're gonna put Mmm hmm. WW: Brother. Umm let me show you. Ah but that, that's not, I mean that's what she had written, right? Yeah, so that's that's. It doesn't mean it's legit... It doesn't mean it's straight, no. No, no. no. Okay. you know WW: I'm just going off of like ah has, has girlfriend. friend. Ah there, that has to be Manuel's friend.

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REPORTING OFFICER	ID#	DIVISION	APPROVED BY	10#	DATE AND TIME OF REPORT
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WW: Okay. How about ah

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 48 OF 91	CASE NUMBER - 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
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ADDITIONAL CODE SECTION	(S)				•
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LOCATION OF INCIDENT, C					
530 W 21ST ST, MG	ount Laguna,	CA 91950			

Alen

WW: A friend?

A friend.

WW: (7)

A friend. Those are friends.

I didn't know he had that many visitors.

WW: (1997)

I'm wondering if those, a lot of those people visited him...

WW: This goes all the way back from twelve all the way back to 2002.

Ho, wow.

WW: So you see, I mean you have umm it says sister. So that just goes to show you.

Yeah I think a lot of these people...

That far back I don't know.

Visit him to talk to other people.

WW:

Me.

WW: So you went to jail, you have...

I visit to him.

WW: Back in 2003?

Quite, quite a bit, yeah.

WW: Okay.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE		PAGE 49 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	<del>-</del>				
<u>PC 245A1 - Assaul</u>	<u>t with a dead</u>	<u>ly weapon o</u>	<u>r instrument other than a firearm</u>		
ADDITIONAL CODE SECTION	S)				
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LOCATION OF INCIDENT. CI	TY STATE ZIP				
530 W 21ST ST. Mc					

Mmm hmm.

You know I, I think that's what they use to do too...

WW: Yeah.

Cause I, I remember him, him saying something like that. Hey I'm ah, I use to have like, like a friend here come through and what they do is that they relay messages for other cell-ees, you know.

WW: You mentioned

Oh.

WW: Why would you mention her?

Because...

WW: We still have an hour, an hour and ten right there.

AY: Okay.

She had his kid. He's about I guess the state of the now. He's been adopted.

WW: Is the same as

Ah she use to use name and sis no longer living.

WW: Okay.

She was another, she was ah...

Ah, ah

She was a drug-ee and she, she actually had a...

Also.

AY: Okay.

WW: friend.

I've been trying to find out where is

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INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			CASE NUMBER • 1207248				
CONTINUED FROM	BEAT	DISTRICT	DATE	50 OF 91 DAY OF WEEK	TIME				
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16				
PRIMARY CODE SECTION									
		ly weapon or	<u> instrument other than a firearm</u>						
ADDITIONAL CODE SECTION(S)									
LOCATION OF INCIDENT, CITY	STATE ZIP				•				
530 W 21ST ST. Mou	nt Laguna, C/	A 91950							

WW: See that name,

To let her know...

I saw that.

WW: Funny sister is?

You know to let her know that Manuel passed away. They stayed friends.

Do, do you guys know a lot of these people that, that...

WW: Yeah.

That he has seen here in the city, huh.

WW: I grew up here. He grew up here so...

Yeah.

Mmm hmm.

WW: We, we, we know a lot of the folks.

Yeah, Huh.

WW: So, so this gal is not his wife and not his daughter.

No.

No.

WW: But the fact is she felt, that the, she felt good enough to put on there might not be a bad person for us to, to contact.

Yeah.

WW: Umm would it surprise you if I said was in custody right now meaning she's that type of person.

Oh it wouldn't surprise me.

WW: Not even, not even a little bit?

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER *		_	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 51 OF 91	CASE NUMBER 120724	
CONTINUED FROM  CRIME	BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	DAY OF WEEK Sat - Tue	10:16	
PRIMARY CODE SECTION PC 245A1 - Assaul ADDITIONAL CODE SECTION(		ily weapon or	instrument other than a firearm			
LOCATION OF INCIDENT, CI 530 W 21ST ST, Mo	ry state zip unt Laguna. (	A 91950				

Mmm mmm.

Hmm.

WW: Maybe, okay.

She, you know the last time I seen her, she was, you know she was loaded.

AY: Oh she didn't look good? Didn't look healthy?

Little ass shorts, about a hundred and ten pounds.

WW: Sucked up?

Yeah, sucked up.

WW: Okay.

When Manuel was going to ah, ah, when Manuel was in custody and that he had court in Chula Vista.

AY: Mmm hmm.

This last time, she went to ah, ah to ah go, go, she went to court to ah see him.

AY: Okay.

WW: She, she was actually at the house back in January when you called the police.

Yes.

WW: When he threatened you, correct and

Yes.

WW: And she was, she was a witness in that case, right?

Well when ah...

WW: Well she was there.

AY: She was there.

The cops, when the cops were talking to Manuel and my, my other was in the room, the door was that much opened and didn't come out but did hear everything.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
MEPONING OFFICEN				224	01/14/2014 09:07
Ybarra	381	INV	Smith	334	0171472014 03.07

INCIDENT NUMBER		= -	AN DIEGO REGIONAL	PAGE	CASE NUMBER			
		OFFICE	R'S REPORT NARRATIVE	52 OF 91	1207248			
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME			
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16			
PRIMARY CODE SECTION								
	with a deadl	y weapon or	instrument other than a firearm					
ADDITIONAL CODE SECTION(S)								
LOCATION OF INCIDENT, CITY	STATE ZIP							
530 W 21ST ST, Mour	it Laguna, CA	91950						

WW: Okay, well she was at the house?

Yes she, well sleeping with him

WW: Got cha.

And he was very, very sick with a high fever.

I think it was a sinus infection.

But yet he did not go to the hospital.

WW: Was he acting differently at that time?

was just sleeping most of the time because he just felt too sick to do anything.

WW: Hey you mean, on this case when I'm looking it up, he threatened you guys, right? Was he, at times did he just kind of, did he just kind of become aggressive and not, not Manuel?

Ah well, he just got fed up. He heard the, me being upset...

Most likely.

And his, and his brother

WW: Well then this might go to, this might go to what you're saying though of the and the way he's acting.

Yes.

WW: I mean it...

My son

WW: Is it, is it out of the norm for him to get so out of, out of the norm, not just not being Manuel where he's...

No.

WW: Not somebody would recognize the, the way he's behaving. Is that normal?

Since, it almost seemed normal for him you know but he just, even bef... years ago he would just blow up.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DAYE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		-	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 53 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	t with a dead	lly weapon or	<u>r instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(	S)	·			
LOCATION OF INCIDENT, CIT	TY STATE ZIP				
530 W 21ST ST, Mo	unt Laguna, C	A 91950			

AY: Because you think, you'd say, you guys, it's almost like being immune to it cause you're so use to him?

Yeah we kind of just...

WW: I mean when did...

Put it on the back burner his manner, like get in his face, you know.

WW: Is, it was like that where one day he's Manuel my

Yeah.

WW: And the next day he's like man, I don't know that guy. Is it, was it...

Yeah it was kind of like there, where he was like really quiet and then you were like where is he and you know.

AY: Mmm hmm.

He was gone.

WW: You ever seen him talk to himself or anything?

No I never seen him talk to himself umm except for the times he was like on drugs or something but other...

WW: Well explain that to me.

Umm you know, it's ah like one time I picked him up at a trolley station like I told you guys out, out there in Encanto.

AY: Sure.

Umm he was like, the police are looking for me or, or he's no, no, people are looking for me. He goes ah we need to go, we need to go. I'm like dude, I picked him up like at eleven o'clock, he didn't have any cash, I didn't want him walking in that area just because unintell---

WW: You're trying to be the

I'm trying yeah, I'm trying to just like, he wanted to go home so I was going to take him home because he's like, I just want to sleep, I'm tired you know. I, I don't want to be walking around the streets cause people around here know me. Can you do me a favor so that you know I, I'll come pick you up.

WW: Was, was he animated though? Was he over the top?

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- 1	Ybarra	381	INV	Smith	334	01/14/2014 09:07
- 1				5107 671	-	

INCIDENT NUMBER			BAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 54 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION			, , , , , , , , , , , , , , , , , , , ,		
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ADDITIONAL CODE SECTION(S	)				
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LOCATION OF INCIDENT, CIT	Y STATE ZIP				
530 W 21ST ST, Moi	unt Laguna, C	A 91950			

Yeah he was a little over the top umm, when I picked him up, you know pupils were like this big, you know just...

WW: Was he looking around?

Yeah he was looking around and then he was like, yeah these dudes were looking for me and then all of a sudden he says, is that a cop, is that a cop. I'm like dude you're messed up.

WW: And this is just while he's in the truck with you just...

Yeah.

WW: Was he, and was the conversation with you or was he talking to himself?

Right, he, he was talking to me but then there were times he was like man, (whispering) I can't believe that I can't... you know and I don't know if he was talking to me and I'm looking over at him, I'm like dude just shut, you know just shut up dude, just...

Hmm.

WW: (Laughs) Yeah.

Let me get you home so I get him home and then I, I drive him to my mom's house because he told me he wanted to sleep. That was the main reason why he wanted to get a ride. And so you know I was, I noticed dude don't wake me up at one o'clock in the morning you know for you know bull shit so umm, I wanted to give him a ride so he didn't have to be at that side of town.

WW: That's the right thing to do.

Umm, so I, I drop him off and then I called the house cause for some reason I felt like he was gonna ditch, he just wanted to ride back into town. I called, I called the house and my other brother answered he goes, I say, where's Manuel and he goes oh he just left. I'm like...

WW: And when was this?

Oh this was, this was probably like a year and a half ago before his last. I mean he was only out for a couple of days so...

AY: Mmm hmm.

WW: Yeah.

AY: Yeah.

REPORTING OFFICER	1D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	55 OF 91	CASÉ NÚMBÉR 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
		d <u>ly</u> weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION	(S)	<del> </del>	<del></del>		
LOCATION OF INCIDENT, C	ITY STATE ZIP				
530 W 21ST ST. Mr		CA 91950			

No they didn't meet up with him.

WW: And is, is that the only time you ever seen him act that way?

Ah yeah and another time I had picked him up, you know I was his personal chauffer because, just because he felt like, you know, and I, I...

WW: Cause he comes you're, cause you're a good guy.

I didn't yeah, I didn't want my brother walking the streets.

WW: Mmm hmm.

Just because, I don't know.

WW: Cause it's the right thing to do man.

Yeah.

WW: I mean don't beat yourself up over that one.

And so I picked him up one time over here on 8th Street. He liked that spot too. He liked 8th Street, around the Jack in the Box. There's a lot of homeless around there, a lot of, a lot of traffic.

AY: Mmm hmm.

Umm I picked him up over there and he was real paranoid, you know.

WW: Describe it to me man. I'm trying to, I'm trying to get a feel for Manuel.

Umm he was a very paranoid guy, over anxious. He seems like his anxiety was his roof. Umm I don't know if he was, he was messed up but he was very paranoid. I'm just like, people are looking for him. He was like that guy like, people are looking for him. He never always, he never really said cops were looking for him, he said people so I don't know if he did people wrong and he was just running from him all the time and he was just on the run but...

WW: The other question I had is just to kind of follow up what Tony was talking to you guys about with the narcotics. I mean, it seems like telling he's doing speedball and he's talked to you about doing meth and heroin and weed, was he just kind of open about discussing like, like his use or did you guys kind of had to pry it out of him or...

No there was, sometimes he just sits down and, and he tells me a little bit.

He was very honest with because ...

	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
1			INV	Smith	334	01/14/2014 09:07
	Ybarra	381	TIAA	SILL CH	334	01/14/2014 03.07

INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER .		
			ER'S REPORT NARRATIVE	56 OF 91	1207248		
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME		
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16		
PRIMARY CODE SECTION	PRIMARY CODE SECTION						
		<u>dly weapon o</u>	r instrument other than a firearm				
ADDITIONAL CODE SECTION(	S)						
LOCATION OF INCIDENT, CI				•			
530 W 21ST ST. Mo	unt Laguna.	CA 91950					

WW: Did he recognize he had a problem with narcotics and...

Yeah.

Yeah.

And he always wanted help. He even asked me at work you know hey do you know where I could go and I think generally he wanted help.

Yes cause he was ah, desperate to get into Sober Living. If they would of called him at least two days later, he would be alive.

But you know the thing is, he burned bridges there like he's been in several...

WW: Mmm hmm.

You know Sober Livings and...

AY: Oh he has been in Sober Living before?

Yeah.

Ah one time...

And he, and he burns his bridges there. Like he gets popped with something or he just takes off you know for a little bit.

The last time he was in a place like that...

WW: Can't follow the rules?

Can't follow the rules.

Ah he was caught drinking beer and someone turned him in. You know, snitched.

AY: Sure.

And ah, so later ah, he walked out of the place, he didn't complete it.

AY: Okay.

The other thing is you know you put a lot of these guys that are in the same boat as him and...

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07
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INCIDENT NUMBER	[	SAN DIEGO REGIONAL			CASE NUMBER	
	]		ER'S REPORT NARRATIVE	57 OF 91	1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	1	12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION						
PC 245A1 - Assaul	<u>t with a deac</u>	ily weapon o	r instrument other than a firearm			
ADDITIONAL CODE SECTION(	3)					
LOCATION OF INCIDENT, CI	Y STATE ZIP					
530 W 21ST ST, Mo	unt Laguna, C	A 91950				

WW: Same mind set.

And, and, and in small rooms. I mean they all kind of start oh yeah, is what why unintell--- you know and I noticed that like I went to go visit him at one of these Sober Livings and I'm like dude...

WW: Misery loves company in those places.

Yeah there you know...

WW: Its, its tough.

So I'm like, what the hell, this is like...

WW: You gotta to be a really strong individual to...

Yeah.

WW: Conquer that, that demon.

And you can tell there's some people there that want to be there and then there's some people that don't want to be there, there forced to be there and you can tell.

WW: Do, do you feel Manuel was telling you guys that cause he wanted to make you guys happy or... Cause I have a cousin in the same boat and I know she, she tells the family I'm gonna do this, I wanna do this and she has that same problem. She gets there for one, two days and she, she dips or she does something goofy. Do you feel he was telling you guys that cause he wanted you guys to feel good or do you really in your heart so heart believe that Manuel wanted help and he wanted to get off the narcotics?

At times he, I, I think he wanted to get off of it. He was just too, too, too deep into it. Not only, not only the, the narcotics, it was the lifestyle.

WW: The girls.

The girls.

Yeah.

The women, these women like, I think that was his huge, the biggest thing was women. You know, when you're in jail for so long you know, you come out and these women are like throwing themselves at you but their loaded.

WW: They wanna get high, just with you.

					100.4	DATE AND TIME OF REPORT
1	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	tD#	
1			TARA	Smith	334	01/14/2014 09:07
	Ybarra	381	INV	3011 011	334	01,11,11

INCIDENT NUMBER			BAN DIEGO REGIONAL ER'S REPORT NARRATIVE	FAGE 58 OF 91	CASE NUMBER - 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
		ly weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION	(S)				
LOCATION OF INCIDENT, C	ITY STATE ZIP				<u> </u>
530 W 21ST ST. M	nunt Laguna. C	A 91950			

Yeah so I, you know and that was his biggest thing is, I mean he was always after ladies. I think that was his biggest, one of his biggest and money. You know he didn't and he didn't want to work for it. He didn't want to work hard for it and I always told him that, you gotta work at fuck'en Taco Bell for a little bit you know before you can...

Mmm hmm.

He always wanted a car and he always wanted you know and he would get enough money to buy but not the right way, you know.

one

AY: Sure.

And I think that's what it was, it was the money, it was the women and it, it was, it was just that.

WW: He wanted that gangster lifestyle.

Right.

Unintell---

So he, he wanted to hustle because he knew he could hustle and get that.

WW: And he's obviously good at it. I mean he knew enough people to be good at it.

Mmm hmm.

When, well Manuel, when he's not on drugs, he's such a sweet person.

WW: Well he just...

He hugs me.

WW: He talked to and he talked to you, and you guys are a good family. I mean I could only imagine when he's actually your boy Manuel, what he's like.

He's such a sweet person but the moment he does that stuff...

AY: Right.

There's another Manuel.

He had no preference on drugs, I'm pretty sure he took anything he could get his hands on.

Then ah, like the next day in the morning, he wakes up like, like nothing.

	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
i	Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 59 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	1	12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION						
PC 245A1 - Assaul	t with a dead	dly weap <u>on o</u>	<u>instrument other than a firearm</u>			
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AY: Now ah, speaking about waking up in the morning, did you ever know that or noticed that he, he was experiencing nightmares?

That no.

AY: At any time, not just this last time?

Ahhh I know he tends to

AY: Oh, was he?

Yeah I remember hearing he, he would say he would

Mmm hmm.

I you know, I think there was a lot of problems that went undiagnosed kind ah. I you know I honestly...

He never did unintell---

I honestly think he, I thought he was you know maybe maybe

AY: Mmm hmm.

Maybe something in there. I mean there's, there's history and...

WW: When you incorporate the narcotics on that...

On top of that and it just...

AY Unintell---

Mmm hmm.

WW: And then, then you have the, you know, if your liver and your, your kidneys aren't processing that stuff, well what, what kind of ah is that going to bring?

I think was always in pain too you know and, and whether...

Mmm hmm, that's for sure

Whether, whether it be withdraws or just physical pain from...

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ĪD#	DATE AND TIME OF REPORT
	381	INV	Smith	334	01/14/2014 09:07
Ybarra	30T	TIAA	3011 GT	327	0272172021 40141

INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFIC	ER'S REPORT NARRATIVE	60 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	,				<del></del>
PC 245A1 - Assaul	<u>t with a dead</u>	<u>ly weapon or</u>	<u>' instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S	3)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP		•		
530 W 21ST ST, Mo	unt Laguna, C	A 91950			

AY: Sure.

The aftermath of, after effects of drug use and he always had stuff wrong with like his teeth, you know.

WW: What, where was that cause I noticed he had like some swelling to his cheek. What was that about?

I think his wisdom tooth was coming and he said...

He was complaining about that.

He was, it looked swollen huh?

Yes.

AY: The other side.

WW: The right, the right side, correct?

The right, yeah. He was complaining.

AY: So that was from a wisdom tooth that was coming out?

He said a wisdom tooth was coming out and it was really hurting him.

WW: Did you, I mean did you, I know when the, when I saw him when he was in the hospital, it was good and swollen and it was, it was looked like maybe something was going on with his teeth, his...

Yes in the back.

WW: Yeah, it was right back here where this little jaw bone thingy's at, right?

Yeah.

Cause he even went like this, mom look, look. And I looked and ah...

I had asked him at the hospital about that too. They said it was probably too from trauma to the face when he hit the floor.

Yeah.

Umm.

Made it worse.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

CIDENT NUMBER SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE				PAGE 61 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	1	12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION						
<u>PC 245A1 - Assaul</u>	t with a dea	dly weapon o	r instrument other than a firearm			
ADDITIONAL CODE SECTION(	S)					
LOCATION OF INCIDENT, CI	TY STATE ZIP					
530 W 21ST ST. Mc	unt Laguna.	CA 91950				

You know, I don't know if the police had to drag him to the ground a few times or...

AY: Yeah.

Umm you know but they said it, most of the, most of the swelling to his face was from him hitting the floor.

WW: Okay.

Umm cause ah, his tooth didn't look too bad back there they said umm but it did look a little inflamed.

AY: Umm and as far as ah, unintell--- see anything here, anything that you think that we should know. Anything that we have not asked.

WW: On the terms of the narcotics, did you guys ever hear him talk about bath salts or anything like that?

No.

I don't think he ever messed with that stuff.

WW: No just smoking cigarettes and, and meth and that was...

Cigarettes and meth. I think that was...

And speedball.

WW: He told you he smoked that?

Ah yeah.

WW: Okay.

He told you he smoked a speedball?

Ah huh.

AY: Do you know what day that was ma'am?

Hmmm.

AY: He's out on Wednesday, so he's out Wednesday, it's not Wednesday?

Ahhhh no.

AY: Was it the following day when he went out to dinner?

REPORTING OFFICER	ID#	DIVISION	APPROVED BY		ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	1	334	01/14/2014 09:07

INCIDENT NUMBER	SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			OFFICER'S REPORT NARRATIVE		*****		CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME				
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16				
PRIMARY CODE SECTION									
PC 245A1 - Assaul	<u>t with a dead</u>	ly weapon or	<u>'instrument other than a firearm</u>						
ADDITIONAL CODE SECTION	S)			-					
LOCATION OF INCIDENT, CI	TY STATE ZIP								
530 W 21ST ST. Mc	ount Laguna, C	A 91950							

Ahhh, he told me in the evening but ah...

On what day?

I don't remember.

AY: So it would have to have been Thursday or Friday?

Yeah.

Mmm hmm.

Oh I saw him Wednesday night.

WW: And that's when he said he wasn't feeling good?

He got out on Tuesday, right?

The 26th.

WW: I think he got out, no he said on the Wednesday.

No, 26th didn't he unintell---

I saw him on Wednesday.

WW: That's when he got out I think, right?

No I think he was out the night before.

No the 26th.

AY: He was out on the 26th?

Yes.

AY: Okay.

Because he told that's the day that they're gonna release him.

WW: And then you said on Wednesday...

Because I was supposed to pick him up.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 63 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION		•			
PC 245A1 - Assau	lt with a dead	<u>dly weapon o</u>	r instrument other than a firearm		
ADDITIONAL CODE SECTION	(S)				
LOCATION OF INCIDENT, C	ITY STATE ZIP				
530 W 215T ST, Mc	ount Laguna, (	CA 91950			

WW: The were hurting.

Right.

WW: And he didn't want to come, he didn't want, he wanted to spend time with your daughter but at that time he wasn't feeling good, up to it.

Yeah, yeah.

WW: And then, so now we had the next day which would have been Thursday, Friday. Is it fair to say that's when he talked to you about smoking the speedball or doing the speedball was Thursday night, Friday night?

Mmm hmm.

I guess about there.

WW: Okay.

Yeah. I mean it's such a small window. It has to be within that or...

AY: Okay well, as far as our side, our investigation is ongoing and ah, for your brother umm, as far as the investi... ah for the, the unintell--- is ongoing so to protect the interest of your brother, to protect the interest for our department, and to protect the interest of everybody involved, there's a lot of confidentiality involved in here.

Ohh.

AY: Okay ah, we will be transparent when the time is right.

Mmm hmm.

AY: Okay, you guys do have what you told me, you have a pretty accurate description of what happened although it is not a hundred percent.

Mmm well.

AY: That's what I can tell you.

We're trying.

AY: Okay? It's not a hundred percent.

What, what can you guys tell us? I mean, you know cause I, for my mom's piece of mind, you know just what happened that night, you know.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 64 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
		y weapon or	<u>instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S					
LOCATION OF INCIDENT, CIT	STATE ZIP				
530 W 21ST ST, Mou	nt Laguna, CA	91950			

That's, I'm really unintell---

You guys don't have to get into like super detailed but you know, my mom wants to know whether or not he was you know, in pain or was he hurt at the time of the arrest. Well the time he was picked up and taken to the trauma.

AY: See that's, since you don't have those details, I can't right now...

Hmm.

AY: Disclose that to you.

Hmmmm.

AY: Okay but as far as where it started and where it ended, you have that right.

Right.

AY: Okay and that he was transported to UCSD ah Medical Center.

Mmm hmm.

AY: That is very accurate.

Also...

And, and at trauma, they didn't have any of his belongings. They said that...

WW: We, we collected his clothing and...

You guys collected that?

Everything?

AY: Evidence.

WW: Ah he had a tank top.

Yes.

WW: Some jeans and some shoes.

Ah Tim... Timberlands.

REPORTING OFFICER	tD#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			AN DIEGO REGIONAL ER'S REPORT NARRATIVE	65 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24 .		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assaul	lt with a dead	ily weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION	(8)	#/ <b>2</b> 7			
LOCATION OF INCIDENT, CI	TY STATE ZIP				
530 W 21ST ST, MC	ount Laguna, C	A 91950			····

WW: Yes ma'am, some brown boots?

AY: Brown boots, oh we have those.

Yes.

WW: Yes ma'am.

His wallet and the earring, I want ah the department to release it to me.

WW: I don't know, well right now, whatever we have impounded, we can't give you because of the investigation.

Oh.

WW: Once, once this is all said and done ma'am, well Detective Ybarra will get with you and, and...

AY: We're gonna stay in contact, all right. I'm gonna give you my cell phone as well.

Please when...

WW: Yes ma'am.

Everything is over.

WW: Yes ma'am.

I would like all of...

WW: Yes ma'am.

His belongings, his wallet and the earring. Well all of his belongings...

AY: Yes.

To be released to me.

Umm for, but I, they told me I needed his license or his identification card for insurance purposes.

AY: I can, I can get you a copy of his ah...

Okay copy.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			SAN DIEGO REGIONAL PAGE OFFICER'S REPORT NARRATIVE 66 OF 91			1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME			
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16			
PRIMARY CODE SECTION PC 245A1 - Assau ADDITIONAL CODE SECTION		ly weapon or	instrument other than a firearm					
LOCATION OF INCIDENT, O	OUNT STATE ZIP	A 91950						

AY: Yeah I'll get you a copy.

Okay, do you know if he had his...

WW: Unintell--- I don't know, the wallet was there.

AY: No it, it was there.

WW: Okay.

Yeah that I, I spoke with the, one of the ladies. She said the wallet was...

AY: Yeah, oh no, I'll get you a copy so you'll get the number and everything.

Yeah umm just, just because of for insurances and ah for burial stuff and...

WW: Mmm hmm.

AY: I'll get, I'll get that for you.

That's what we're working on.

WW: Yes ma'am.

Yeah unintell---

AY: You know if I can just write my, my cell, I'll give you my cell phone number so, at any time you have any questions and I know right now...

I can call you, right?

AY: Yes ma'am. Call me direct, don't, don't go through the...

Oh okay.

Yeah ah...

WW: That's it.

Oh.

WW: Here you go.

Yeah they didn't, they didn't know much there at the hospital.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL		PAGE	CASE NUMBER
	į.	OFFIC	ER'S REPORT NARRATIVE	67 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION	<u>-</u> -				
PC 245A1 - Assaul	t with a dead	ily weapon o	r instrument other than a firearm		
ADDITIONAL CODE SECTION(S	S)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP		<u></u>		
530 W 21ST ST. Mor	unt Laguna, C	A 91950			

No.

But what the officers told her.

WW: And the reason we do that is like Detective Ybarra says is to mainly protect your interest, our interest, and to get to the bottom of it. Umm...

This, this is very strange, all this.

I kind of, I kind of put the story together in my head, I just don't know...

WW: You're on the right track.

Yeah.

WW: You're on the right track.

I you know, I, I, from what I hear I, yeah I think he tried to hold up the deli or tried to rob them, they chased him out or there was a fight there maybe with the attendant. They tried to chase him out. There, they called the cops, the cops got there fast enough, he tried to ditch, you know, they got him.

Hmm.

They took him down. They they were Ambulance showed up.

WW: Like, like Tony said man, you have a whole bunch of it going.

Hmm.

Hmm.

WW: Ah there's a couple of pieces that we just can't tell you because...

All right.

WW: We can't provide that information.

Oh, oh that you...

WW: But you, you're, you're pretty darn close.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL		PAGE	CASE NUMBER
	ļ	OFFICI	ER'S REPORT NARRATIVE	68 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assault	with a dead	y weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION(S	)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP				
530 W 21ST ST, Mou	int Laguna, CA	91950			

AY: And ah, and as time comes and this information becomes where I can release this, some of the stuff to you, I'll make sure, I mean...

Please I would like to know.

AY: In the end, you will know what happened.

Yeah because...

AY: I can, I can guarantee you that, and we can give you our word that in the end, when this is all clear, when this is all settled...

Roughly do you know like how long this investigation, I mean did, I mean it's kind of hard to tell but you know he's already deceased and I mean you guys have your parts to take care of but...

AY: Yeah we, we'll probably have the bulk of it done in about three weeks.

Hmm.

AY: Okay but, that's still, that's still not the end I, there's still gonna be a lot more, a lot of other steps above our control, okay? So once it's all settled, once it's final, once stuff starts coming out cause there gonna, some of, some of this stuff is going to be public, it's public record.

Hmm.

AY: Some of it ah and as this thing comes by we'll be able to ah you know, again show transparency and tell you exactly what's accurate, what isn't and in the end, I can assure you that you'll find out what happened.

Okay.

AY: Okay?

Not that I'm gonna be wondering.

AY: It's not going to be a mystery guys.

Yeah.

AY: It's not going to be a mystery.

No.

AY: Okay.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE		**********		CASE NUMBER 1297248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME		
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16		
PRIMARY CODE SECTION							
PC 245A1 - Assaul	t with a dead	ily weapon or	instrument other than a firearm				
ADDITIONAL CODE SECTION							
LOCATION OF INCIDENT, CI	TY STATE ZIP						
530 W 21ST ST, Mo	unt Laguna. (	CA 91950					

All right.

But umm...

AY: So let me...

WW: Do you, do you...

Do you have any questions, more questions?

WW: No, do you guys have anything that you guys want to ask other than obviously what you just did to ah unintell---

Ah well, if I remember anything, I will call you.

WW: Please.

AY: Please

WW: Please, please.

I will call you.

AY: Or if anybody calls you.

Oh okay.

AY: Looking for him.

WW: Cause ah, I'm tasked right now with tracking down the last three days and of, of...

Mmm hmm.

WW: From the time he got out till the time that he was arrested.

I mean a lot, a lot of his contacts that you have, I would, he knew a lot of drug people so, no, no, no the....

AY: Oh the front?

WW: Oh.

Some of those...

WW: and all those folks?

REPORTING OFFICER	(D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					•
PC 245A1 - Assaul	<u>lt with a dead</u>	<u>ly weapon or</u>	r instrument other than a firearm		
ADDITIONAL CODE SECTION	(S)				
LOCATION OF INCIDENT, C	ITY STATE ZIP				
530 W 21ST ST. M	ount Laguna, C	A 91950			

Yeah, he knew a lot of people that...

WW: Well she's...

That pushed a lot of drugs around here.

WW: She'd probably be the first person I go find to talk to so, but like, like Tony says, if you get a phone call at you know, one in the morning, hey this is so and so, Manuel call me. Feel free to call him that next day and that's, that's something we can follow up on.

AY: It's very important

Oh, okay.

WW: Because the, you know, if folks are contacting him, that's somebody we need to talk to. Hey, I mean, you know, was he using narcotics? Was he sick? Was he saying that, did they recognize he, he was not feeling good. Was he, was something going on with him that we need to get to the bottom of and that's gonna be huge for us to be able to track those folks down and, and have them help us give you guys the piece of mind that you deserve.

I do know that he was in pain.

AY: Okay ma'am.

WW: That in itself is huge.

AY: What, what when, one last thing.

Hmm.

AY: When, when you mention that ah, he had the right? Once he was transported to Paradise Valley Hospital, where was he the time? You said Do you remember that?

Oh, no my mom said I don't remember the other. I only remember that one time.

AY: Where was the second time ma'am? Who treated him?

Ah I don't know ah Manuel told me that ah he but ah brought him out of it.

He might have dunintell---

AY: Oh maybe...

The first time they found him in the alley and they took...

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	·	12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION				· · · · · · · · · · · · · · · · · · ·		
PC 245A1 - Assaul	t with a dead	dly weapon or	instrument other than a firearm			
ADDITIONAL CODE SECTION(	S)					
LOCATION OF INCIDENT, CIT	TY STATE ZIP			<del></del>	****	
530 W 21ST ST, Mo	unt Laguna, (	CA 91950				

LOCATIO	N OF INCIDENT, CITY STATE ZIP
	21ST ST, Mount Laguna, CA 91950
	That's the one.
	Him to Paradise Valley Hospital.
	That's the only one I know of.
	And the, ah probation no, the P-O ah told me that yes he was, you know
	Who was he, who
	Garcia I think it was.
	Who was he with that day he and they found him in the alley?
	Ah someone on ah, made a call anonymous ah to the cops.
with a	I know but, who, who did he leave with that day cause I remember he left with somebody he knew. Was i
	Around oh ah no ah, she's related to you. Ah
	Oh so it was a cousin of ours that she
ww:	Do they off, do they live over off of about the state of
	Mmm yeah.
ww:	She has a boy named and the same of the sa
AY:	
	Yeah.
	And a

WW: Yeah I know them.

AY: Are you guys related to them?

Yeah.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
1.2. 0			5-444	224	01/14/2014 09:07
l Ybarra	381	INV	Smith	334	01/14/2014 05.0/

INCIDENT NUMBER		SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			CASE NUMBER 1207248		
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME		
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16		
PRIMARY CODE SECTION							
PC 245A1 - Assault with a deadly weapon or instrument other than a firearm							
ADDITIONAL CODE SECTION(S)							
LOCATION OF INCIDENT, CIT	Y STATE ZIP						
530 W 21ST ST. Mou	unt Laguna, C/	91950					

Well.

Yeah unintell--- uh my

WW: Which is?

Is her mother.

WW: What's her name?

WW: passed away.

Yeah cause she's no longer living.

passed away.

WW: She raised

Mmm hmm.

So you know they, they all if you know.

WW: She runs in that whole circle and there's a lot of heroin being used and a lot of methamphetamine being used.

Yes a lot of heroin.

WW: In fact...

That's what I was saying you know, they knew a lot of people.

WW: other son overdosed on heroin and died, correct?

AY: Was it

WW: I can't remember his name.

Yeah, yeah, yeah. Umm

Yeah

WW: yes, we will be overdosed on heroin and died, correct?

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT		
Ybarra	381	INV	Smith	334	01/14/2014 09:07		

NCIDENT NUMBER		9	AN DIEGO REGIONAL	PAGE	CASE NUMBER
	ĺ		R'S REPORT NARRATIVE	73 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
LOCATION OF INCIDENT, C	ITY STATE ZIP				

Well from what I've heard, ah he went to the hospital for surgery.

She got like a family story.

But then he got out and then ah uh all of a sudden he collapsed in the middle of the floor, he couldn't breathe and they took him and he died.

WW: I know that family okay.

You might, I mean, I, I think might have been, you know my, my, many family that you know like, he knew of them and they were actually, they weren't the people that they are now.

WW: No is your

he's deceased.

was a heroin addict too.

He died ah in 19-97.

He tried to clean up,

WW: Fought the fight, right?

And he died so much like Manuel.

They almost had the same death.

Yeah almost.

WW: Really?

Yeah.

AY: Geeze.

Huh.

WW: It just goes to show you what that stuff does to your system.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07
100110					

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 74 OF 91	CASE NUMBER* 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tu <u>e</u>	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	<u>lt with a dead</u>	<u>ily weapon or</u>	<u>instrument other than a firearm</u>		
ADDITIONAL CODE SECTION	(S)				
		· · · · · · · · · · · · · · · · · · ·			
LOCATION OF INCIDENT, C	TY STATE ZIP				
530 W 21ST ST. Mc	ount Laguna. (	CA 91950			

Ahhh.

Two generations right there.

So now he's with his father and everyone else.

WW: You know what though, I mean, look at big picture, you know he's, you know he's safe now, he's, he's not hurting himself or anybody else.

But I want you to know that when he's not on, on drugs, he's a sweet guy.

WW: Great kid. Like I said, I remember him from high school. I'm almost, I'm my, I was telling these guys I'm 99 percent sure, I remember him being in high school, he was just a skinny goofy kid, lanky.

Yeah.

WW: Lanky, lanky, lanky kid and he was always trying to be a, a clown. Always trying to goof around.

Yeah funny guy.

Yeah.

WW: And I remember him, like I said, he's a couple of years younger than I am but I remember him.

Yeah.

Now the streets... them are, are they, they still, I see them, I see her every like two years, two or three years wandering the streets...

WW: Moping around the city? (laughs)

Yeah.

Hanging out around like 8th and...

WW: You answered your own question.

(Everyone laughing)

She doesn't like guys no more.

WW: No ma'am.

AY: No ma'am.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL		PAGE	CASE NUMBER	
		OFFICI	ER'S REPORT NARRATIVE	75 OF 91	1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION	<del> </del>					
PC 245A1 - Assaul	t with a dead	Ily weapon or	instrument other than a firearm			
ADDITIONAL CODE SECTION(	S)					
LOCATION OF INCIDENT, CI	TY STATE ZIP					
530 W 21ST ST. Mo	ount Laguna. C	A 91950				

Well.

WW: Yes.

AY: Yes.

WW: It is what it is, right?

Mmm hmm.

Do you know if she, if she's locked up right now or...

WW: Ah we had her, talked to her what? A year and six months ago?

Oooou.

AY: Let's end, let's end...

WW: Yeah.

AY: This interview. So it's thirteen after four and I'm, were ending this recording.

**End of Tape** 

# INVESTIGATION CONTINUED

On 12-06-12, Doctor J. Lucas from the San Diego Office of the Medical Examiner performed an autopsy on Martinez. Preliminary findings concluded no signs of major blunt force trauma. His preliminary conclusions were that Martinez died from an overdose of drugs; however, the type of drug overdose had not been determined and was pending the results from the toxicology report. Please refer to Detective Walters' supplemental report for additional details of the autopsy.

On 12-06-12, Detective Villariasa conducted a data download on both Sergeant Meeks had serial # All to the deployments were consistent with the Officers statements. Please refer to Detective Villariasa's supplemental report for all the details reference the devices and data results.

On 12-10-12, at about 1315 hours, Detective Walters and I met with Officer Stinnett at NCPD Investigations briefing room. We sat down with Officer Stinnett to go over his initial statement. Our communication was video recorded using my department issued FLIP video recorder. The entire communication was recorded and is available for full review. Officer Stinnett was able to walk us through the entire event, he was involved with, and able to clarify positioning and locations. We did not find any inconsistences with his statement. I later had his statement transcribed by NCPD Office Assistant Beatrice Gonzalez.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	1D#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07
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INCIDENT NUMBER		-	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 76 OF 91	CASE NUMBER* 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assaul ADDITIONAL CODE SECTION		ly weapon or	instrument other than a firearm		
LOCATION OF INCIDENT, CIT 530 W 21ST ST. Mo		A 91950			

AGENCY: NCPD

CASE NO.: 1207248

**INTERVIEW OF:** 

RYAN STINNETT

INTERVIEWED BY:

DETECTIVE ANTONIO YBARRA DETECTIVE WADE WALTERS

TRANSCRIBED BY: Beatrice Gonzalez

1207248: INTERVIEW OF RYAN STINNETT

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	77 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assaul	t with a dead	d <u>ly w</u> eapon o	instrum <u>ent other than a firearm</u>		
ADDITIONAL CODE SECTION(8	5)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP		······································		
530 W 21ST ST, Mo	unt Laguna, (	CA 91950			

The following is a transcription of Officer Ryan Stinnett. This interview is being conducted at the National City Police Department. Present in the interview are Detective Antonio Ybarra, Detective Wade Walters and Officer Ryan Stinnett.

Detective Ybarra will be referred to as "AY" and Detective Walters will be referred to as "WW and Officer Stinnett will be referred to as "RS".

AY: All right, we're at the ah, National City Police Department. Today is Monday,

December the 10th. Its fifteen minutes after one in the afternoon. We're in the conference room at the Investigations Division and we're here just to ah, go over some ah details and some questions that we have from an incident that occurred on December 1st of this year at 530 West 21st Street, actually that's where it originated umm on reference NCPD Case number 1-2-0-7-2-4-8. Present in the room with me is ah Detective Wade Walters. I am Detective Antonio Ybarra and ah we're gonna be questioning witness Officer ah Ryan Stinnett. What is your ah, I-D number?

RS: 4-5-2.

AY: 4-5-2. All right Ryan umm you've had a chance to review your report, right?

RS: Yes.

AY: Umm and we simply wanted to know, actually if you can just walk us through the chain of events that led all the way up to well refer to ah the person in question is Mr. Martinez. Mr. Martinez being ah strapped on the gurney. So how did the call start? Just, just walk us through it.

RS: Real Readers Digest version, ah radio call came out of ah possible in progress at the Deli, that, that 24th Street Trolley Station.

AY: Sure.

RS: There was ah report the guy had either shot somebody or there was a knife involved so start going on route to the call. Ah Sergeant Young advised over the air that he was already on scene. Said he was able to see the suspect or I guess, I'm sorry, just before that we were advised that everyone had left to that suspect was alone, Martinez was alone inside the business.

AY: Mmm hmm.

RS: Sergeant Young got there. He said he saw the guy, had him at gunpoint, didn't see, he didn't mention if he saw any weapons or anything from Martinez. We started rolling up just in case the guy tried to get out I guess ah Sergeant Young said he was like barricaded inside the, inside the deli. So we roll up. I pull up into the, the east alley over there off of Wilson. The two thousand block of Wilson I believe or right on that part, just, just north of ah the deli. So, when I'm in there, I started to get out of the car and I hear that he had ran out up the back of the business, the back of the deli. I was, I heard over the radio someone saying that the guy had started running north, hopped into the trolley tracks and was going north so I get back in my car, start driving out and I get in behind ah Corporal Klos. I

REPORTING OFFICER	10#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		SAN DIEGO REGIONAL			CASE NUMBER	
		OFFICI	ER'S REPORT NARRATIVE	78 OF 91	1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24		12/1/2012 - 1/14/2014	Sat Tue	10:16	
PRIMARY CODE SECTION						
PC 245A1 - Assaul	t with a dead	d <u>ly weapon or</u>	r instrument other than a firearm			
ADDITIONAL CODE SECTION	S)	-				
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LOCATION OF INCIDENT, CI	TY STATE ZIP					
530 W 21ST ST. Mo	unt Laguna, (	CA 91950				

didn't know who it was at first but I get behind Corporal Klos unintell we make that westbound turn on to ah West 18th and then make that first turn onto the on-ramp to go on I-5, the northbound I-5. As we're pulling up on there, there's ah, ah green car and a white pick-up truck parked on the right shoulder of the on-ramp. As I'm pulling right there, I immediately see a guy matching Martinez's description, had a white t-shirt running down the embankment from the top of the, where the trolley tracks were.

AY: Sure.

Ran down the embankment to the little wooded area, dives into the bed of the truck. Corporal Klos was in RS: front so he parked his car fairly close to the bed of that, the, the truck, I had pulled in right behind it. We both get out of the car. I had my gun out on him cause he's supposedly with a gun or a knife so we go to approach the back of the truck, Corporal Klos had a weapon out. We go up to the truck, the guys in the, Martinez is in the bed of the truck. We give him the command, told him to stay still, put his hands up and his hands, he was kind of you know, even if I was lying flat down, his hands kept, kept them up above him like this, he was laying there, somewhat still. I decided since Corporal Klos had his weapon out that I pick the holster up and go on and handcuff him. I, I climbed over the, the tailgate, put my knee on ah Martinez' back so he wouldn't move, grabbed his right arm, put his right arm in the handcuffs and I tried to get his left arm and he refused to give it to me basically. He started pulling against it and resisting and he starts reaching down towards his waistband. Corporal Klos is giving him the instructions to "hey put your hands behind your back, get your other hand" refused. Corporal Klos struck him, like a jabbing motion with his baton since I was in the bed of the truck and Corporal Klos was still outside of the truck. So he's jabbing the guy's shoulder. Martinez still wouldn't put the hand behind his back, he was just kind of pulling it up against his body. He's still not compliant there so I decided to, to punch him, just to try and get same thing, just to get him to stop and resisting and put his hand behind his back or give him the commands. I hit him in the head cause I'm on his back so I don't really have a body to target. I'm holding his cuffs with his right hand in my left hand while I switched over so I didn't have a whole lot of target so I hit him, not positive exactly. It was, it was the back of the head that hurt. I don't know if his head was laying to the left or the right when I hit him but I hit him once, he didn't respond at all. He didn't react to it. I told him again put your hands behind your back, he wouldn't give us his other hand. Hit him again still nothing. He, he didn't comply. He just continued resisting. Sergeant Meeks arrived right around that, I don't know if he was there while I was wrestling with him but he have him a dry stun in his back and we were able to get left hand back behind his back and we cuffed him up. He, I did a really quick pat down inside the, the bed of the truck and rolled him side to side to see if we could find any guns or knives on him.

AY: Sure.

RS: I didn't notice anything on the cursory pad and...

AY: And then what happened?

RS: Then I get out of the truck cause it's an awkward spot to be in there. Climbed out of the back of the truck, lower the tailgate. Corporal Klos was and, and just telling him "hey calm down, we're going to pull you out of the truck now." I, I we pulled him, we slid him, his feet were already towards the tailgate, his feet were aiming towards the back of the truck so we just slid him out towards the back of the truck to stand him up. When we first had him out, he wasn't supporting his own weight, he was just kind of standing, and we're like, c'mon stand up. He stands himself back up. We walk over, Corporal Klos on his left arm and me on his right arm, walked him to Corporal Klos'

REPORTING OFFICER	ID#	DIVISION	APPROVEO BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER
			ER'S REPORT NARRATIVE	79 OF 91	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
<u>PC 245A1 - Assault</u>	with a dea	adly weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION(S)			· · · · · · · · · · · · · · · · · · ·		
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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, Mou	nt Laguna.	CA 91950			

hood of his car which was sitting right next to the truck. Corporal Klos started a pat down search more thoroughly of the, the left side of Martinez's body. Once he's doing that, after he got done with his left side, I did the right side. As were doing that, Corporal Klos started taking his left shoe off. Martinez got really upset at that, he started resisting more, started getting really upset and angry with the foot so I was thinking maybe he had something in his shoe that he didn't want us finding. So after Corporal Klos had that shoe off without finding anything, I started taking off his right shoe, got that off and he the same thing, just started getting really resistant to us. He was pulling away from us, trying to kick at us a little bit. Corporal Klos and I lowered him to the ground, he didn't fall. We, we put him on the ground. Corporal Klos took the, took his head as he was going down and I was standing there above them. As he's ah going down to the ground, he starts to kick at me with his legs again when Corporal Klos was holding him down so I kicked at his right leg just try him again, get him to stop kicking me unintell giving the command stop resisting, stop kicking. I kicked his leg and then I lowered oh I, I, I took the cartridge out from my Taser since it had worked before. Set that on the hood of Corporal Klos' car, had my out, got down on his, I guess his calves his, his lower calves with, with the area just below my knee on my chin just to put weight on it to try and hold him down. I, I, I did the dry stun off his lower back. Unintell calm down, stop resisting and, he just continued to resist on us so at that point I just put all my weight on my hands, holding on to his legs. Corporal Klos was at the head of his body. Sergeant Meeks was somewhere on the head of the body, I couldn't see where I was focusing on his legs. We were there wrestling him for a while I know ah Detective Shephard arrived on scene and was helping with the, the legs, was asking if we get that, Corporal Klos, I had any kind of mean Corporal Shephard took ah Martinez's legs where I was, relieving me of my spot. I went and grabbed came back, I've never tied up someone's legs so I, I gave it to ah Corporal Shephard for him to do. I took back over on his legs, tried tying him up there and the whole time he's still resisting, lifting up his torso with his hands, even with his hands behind his back, he's lifting up his torso causing hassle for Corporal Klos and Sergeant Meeks. Got him tied up, he's able to slip his legs kind of back out of the cord, black cord I guess didn't work so well. So he got, he got his legs back out of the, eventually we were just holding him down, medics arrived and I'm not sure how early they had been there but once, once medics were there and had their gurney out, we picked, we ah, myself and not positive which officers grabbed him. We picked him up, put him on the gurney, he's still kicking, still resisting. I'm still holding onto his legs and I still while on the gurney put my right knee, knee on top of his legs just to help hold his legs down while the, the fire and medics and I'm not sure who was doing what, were trying to strap him down to the gurney.

AY: Face down or face up?

RS: Face up. So then yeah, they were dealing with the top I was just watching his legs, holding them down and then he's, they, he stopped, he stopped kicking after a point and then I looked over and that's when I found out that he had been sedated.

AY: Okay, good. Okay umm, let me umm, ah, I have a couple of questions and I'm sure ah Detective Walters gonna have here with you in a second but let's go back so ah, just to clear a little few things up. So when, when you guys go unintell When you guys arrived to the on-ramp Ryan, and you guys were walking up to the ah, the bed of the pickup truck, what side of the, of this pickup truck were you? Was he approached from the left or the approach from the right?

RS: The approach was from the left. I was, I was on the left more or less, I was straight behind the truck. I mean I was a little bit to the left. You have to say left or right but I was fairly straight behind the truck on the left hand side.

REPORTING OFFICER	10#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014_09:07

INCIDENT NUMBER	SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			PAGE 80 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16	
PRIMARY CODE SECTION PC 245A1 - Assaul	t with a dead	ly weapon o	r instrument other than a firearm			
ADDITIONAL CODE SECTION(S						
LOCATION OF INCIDENT, CIT	Y STATE ZIP	·				
530 W 21ST ST. Moi	unt Laguna, C	A 91950				

Corporal Klos was up more in front of it coming from this position, his car, he was, he was also on the left hand side but more towards the middle of the, the truck as we approached.

AY: So, so now let's move forward to when you're in the bed of the truck. You're in the bed of the truck, where's Corporal Klos standing at? To your left...

RS: Ah no on, on my left cause still on the, still on that left side of the truck ah on the driver's side of the truck just against, in front of the wheel well so towards the, the cab part of the bed of the truck if that makes sense.

WW: Kind of, kind of rounded it, if you well.

RS: Was that the...

WW: When he came out he kind of, he's facing it.

RS: So, I don't know how to say, this is the bed of the truck and the cabs right here.

I'm on him here. He, he's more or less right here towards, towards the cab.

AY: Okay

RS: At the front of the bed of the truck cause Martinez was all the way towards the front of the bed of the truck.

WW: Okay.

AY: Well what, what did you notice about umm Martinez at that time when you first walked in?

RS: Inside, well even when I was, when before I got in the truck, he had a cut, he had, he had some redness to his, I think it was his right side, I'm not positive honestly what side, I thought it was his right side except he had ah, ah small cut.

AY: Mmm hmm.

RS: And he was kind of, a little twitchy with ha... with his hands and fingers.

WW: And that's prior to you guys even touching him he had...

RS: Yes.

WW: He had that injury?

RS: Yes.

AY: Any other injuries you saw on him?

RS: Not that I saw his fist unintell

REPORTING OFFICER	10#	DIVISION	APPROVED BY	{D#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		-	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 81 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	1	12/1/2012 ~ 1/14/2014	<u>Sat - Tue</u>	10:16	
PRIMARY CODE SECTION PC 245A1 - Assaul ADDITIONAL CODE SECTION(		lly weapon or	instrument other than a firearm			
LOCATION OF INCIDENT, CT		A 91950		· · · · · · · · · · · · · · · · · · ·		

AY: Any blood?

RS: There was blood around that, that cut.

AY: Umm while you guys are trying to ah handcuff or why you're trying to handcuff and your efforts at handcuff Martinez, is he saying anything to you?

RS: He was, he was talking but I honestly don't know what he said when I was in the truck. I know he was resisting and pulling his hands toward us but while, while he was in the truck, I don't know what he was saying.

AY: So he was talking, he wasn't yelling, he was talking?

RS: Yes.

AY: What about the ah, the witnesses you described that were standing by? What were they doing?

RS: The owners of the, the, the truck and that, at first, the truck was empty. There was nobody erratic, notice anybody in the truck and the cab or in the bed in this case. The, the green vehicle which was just behind the truck, there was a woman and, and two small children. They were in the green sedan I believe when we got there and they, at one point, they started exiting. Her and the kids were exiting, kind of watching what we were doing.

AY: Are they saying anything?

RS: I didn't notice them saying anything, no.

AY: Ah, so you ah, so you stuck him with, it was with a fist?

RS: Yes.

AY: To his head a couple of times?

RS: Yes.

AY: Ah, you bring him out and when you walk him from the, from the bed of the truck over to Corporal Klos' vehicle, what kind of distance do you guess or estimate that was?

RS: It was, it was very close. Three, four feet.

AY: And he did and, and Martinez did this without you having to support him or lift him?

RS: Correct.

AY: He did this on his own?

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	10# 334	DATE AND TIME OF REPORT 01/14/2014 09:07	ĺ
Ybarra	381	INV	Smith	334	01/14/2014 05:07	1

INCIDENT NUMBER			AN DIEGO REGIONAL R'S REPORT NARRATIVE	PAGE 82 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
		ly weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION(S	)		•	•	
LOCATION OF INCIDENT, CIT	Y STATE ZIP			<u> </u>	
530 W 21ST ST. Mo	unt Laguna, C	4 91950			

RS: Mmm hmm.

AY: He acknowledged when you guys told him hey, calm down, relax from the arrest, we're gonna move over here or was he just...?

RS: He was still resisting. He, like say when we first pulled him out, he wasn't, he just kind of let his legs where we, he, he wasn't putting weight on himself. When we told him, c'mon stand up, he, he listened to us to the point that he would stand up on his own way. We each had ah, an arm. I was holding his right arm, the Corporal Klos had his left so he, he allowed himself to stand up and he did his own where we didn't support his weight but he was still kind of resisting.

AY: So you guys take him over to the ah, the patrol car...

RS: Mmm hmm.

AY: The front part of the patrol car as you described, right? Is he bent at the waist or how, how, how do you guys unintell against that right unintell

RS: He's, he's facing, he's facing the patrol car. He's up towards it a little bit of a bend of the waist. I mean he wasn't on, on the hood of the car. He was standing upright while we pat him down but I mean I guess a little bit of a unintell forward from his torso to keep him off balance a little bit more.

AY: Sure, sure. Ah and what is he saying to you at that time? Is he saying anything to you guys?

RS: I don't remember him saying anything at that point, no.

AY: All right. So then, then you describe to us that Corporal Klos searched his side which was what? The right side?

RS: The left, he, Martinez's left side.

AY: Martinez's left and then, he starts getting a little frigidity when the shoe comes off. You do your side. When you remove your shoe, you don't get to remove the sock, just the shoe, correct?

RS: Correct.

AY: Then what did Martinez do again?

RS: He is just really...

AY: Is he unintell

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT			
Ybarra	381	INV	Smith	334	01/14/2014 09:07			

INCIDENT NUMBER		OFFICE	PAGE 83 OF 91	CASE NUMBER 1207248		
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16	
		ly weapon or	instrument other than a firearm			
ADDITIONAL CODE SECTION(S	3)					
LOCATION OF INCIDENT, CIT	Y STATE ZIP					
530 W 21ST ST, Mor	unt Laguna, C	A 91950				

RS: Starting to pull with his upper body and a little bit trying to kick us and its close, close quarters so he doesn't have a whole lot of room for big movement, and its awkward back behind him since he's against the car.

AY: Mmm hmm.

RS: Can't really get much behind it but he's trying to kick at us unintell definitely trying to jerk away.

AY: And then in an effort to gain a little bit more control over Martinez, what did you guys do exactly after that?

RS: And I don't know who actually instigated it at that point, I'm not sure I believe, I don't know. I know we ended up, we're both holding him on to the, cause we were still hold him during the search. We never let go of him because of his kind of resistant attitude.

AY: Handcuffed right?

RS: Yeah so we were just still both holding on to him and just lowered him down to the ground, we took him down to the ground, face down onto the ground. He was sad, I don't remember if it was myself or Corporal Klos, I don't remember being said hey let's do this. It was just kind of...

AY: When we react...

RS: Done, yeah.

AY: Just unintell which makes a lot of sense, we're good. Umm did you guys literally guide him to the ground or did he, did he go unintell face first or did his own weight bring him down?

RS: No he was guided. We were holding him the whole time so he wasn't slammed, wasn't dropped and ah...

AY: So he, he's put face down on the ground?

RS: Yes.

AY: Then what is he doing?

RS: Immediately once he's down on the ground, let's see I was, Corporal Klos is more up towards his, his head and his upper body. I was down by his feet. He started kicking at me.

AY: At you? Ah, and again is he saying anything to you guys at this, at this point?

RS: I remember him saying you know, you don't know who I am. He started saying

I'm, I'm, I'm Ghost which is his, his moniker. You, you know don't know who I am. Fuck you guys but and that was, I noticed all, the, the majority of his conversation and I didn't pay much attention to what he was saying but the only thing that I remember was those three things once he was down.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER	SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE		PAGE 84 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
		ly weapon o	<u>r instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S	)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP				
530 W 21ST ST. Moi	int Laguna, C	A 91950			

AY: But next to the patrol car?

RS: Yeah on the ground, that's when he's saying that.

AY: Did he mention anything about having being harmed or having a weapon? Do you remember anything like that?

RS: I don't specifically remember him saying that. I know he kept reaching when we were trying to handcuff him, he was reaching for his waistband but...

AY: Was he always face down or did he yell, did he ever try standing up? Did he know unintell

RS: He was never able to stand up or get on his knees. He was kind of trying to roll a little bit, side to side but he was always face down as much as he could, I mean he would turn his hips a little bit as he's trying to roll but with our weight on him he was having trouble. He never got all the way on one side. He was never totally on his side. Just kind of, if that makes any sense. He just kind of rolling back and forth as much as he can.

AY: Do you remember what he was doing with his hands while he's doing all this?

Was there anything unintell anything specific you remember him doing with his hands as he's handcuffed and he's...

RS: He'd been reaching for his waistband before and he would still reaching, you know, as best he can trying to get towards his waistband but at that point on the ground I, I was, I was on his legs and I was having trouble seeing anything beyond that.

AY: So you had the lower extremities, Corporal Klos has the upper and then you said Sergeant Meeks...

RS: Sergeant Meeks was up, he was I, I believe...

AY: Unintell

RS: No, I don't, I don't know. I, I, I believe he was with Corporal Klos, I believe he was controlling the upper torso as well but I was, I was right at his ankles and his calves and I was just on that cause he was kicking so much that I had both hands and all my weight focused on that so I wouldn't take a foot to the face.

AY: Okay when we reviewed the ah, the CAD call, it, it showed that firefighters arrived before paramedics. And as best as you could remember, do you remember the firefighters already being unintell at the scene at this time? At that point?

RS: While we're on the ground with him there, yes.

AY: They were already there? You don't, you don't remember arriving?

RS: No.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	10#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER		-	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 85 OF 91	CASE NUMBER 1207248
CONTINUED FROM .	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)		ly weapon or	instrument other than a firearm		
LOCATION OF INCIDENT. CITY 530 W 21ST ST. Mou		A 91950			

AY: Okay ah, and then what happens from there again Ryan so unintell

RS: So once he's down, we kind of have him controlled again and the medics got there. I said he had been, he had been spitting and I, I heard Sergeant Meeks say something about him vomiting.

AY: Okay.

RS: Possibly so we got a spit mask put on him and he was I guess trying to, I heard him also saying something about watch out so you don't get bit and I don't, I think that was, I think Corporal Klos said that to Sergeant Meeks but I, might have that backwards but I think Corporal Klos said that to Sergeant Meeks like tell him to watch out for his mouth cause he was trying to bite.

AY: Okay.

RS: So we got ah, the, none of us had a spit mask with us and unintell the, the medics brought over a little spit mask unintell so they put that on him. Once we got that on him and they had the gurney brought out, we picked him up and again I just, I was still like unintell picked him up, carried him over to the gurney, held him on the gurney. I don't know how many of us it was cause I was just still focusing on his legs so three of us for sure, maybe more carried him but I don't know.

AY: Good man, you're doing a great job here. And my last question umm, there towards the end when, when you, when you're describing to us who was there trying to control Martinez as he's on the ground, you put ah Sergeant Meeks there, Corporal Klos and ah Corporal Shephard and yourself. Was there anybody else who helped you guys there?

RS: There were people there but I have no idea if anyone else had hands on him when I was helping to hold him down or not. I couldn't see from my angle. I was just focused on him.

AY: Thank you unintell

WW: Is it fair to say you were wearing that uni... uniform similar to that?

RS: Yes.

WW: So no question that you guys are the police and anything like that?

RS: No.

WW: Same goes for Klos and, and Meeks?

RS: Yes.

						TO THE PARTY OF STREET
- 1	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
	REPORTING OFFICER			<b>6</b> 111	334	01/14/2014 09:07
	Ybarra	381	INV	Smith	334	01/14/2014 03:07
				7-		

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	86 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24	1	12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION		· · · · · · · · · · · · · · · · · · ·		<del></del>	
PC 245A1 - Assaul	t with a dead	dly weapon or	<u>instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(	5)				
LOCATION OF INCIDENT, CI	TY STATE ZIP		A		

WW: Okay umm you've been a police officer for about five years. Have you ever seen me, have you ever gone to a call where someone has reacted like this before?

RS: Yes

WW: Similar just, under the influence just going crazy like this?

RS: Yes.

WW: Okay umm... I'm gonna, the big thing I want to just how he was taken to the ground so, you did a good job.

AY: Oh and ah medics, who called for medics? You remember who called for medics?

RS: I don't. I know that they were called. I, I don't know who, it wasn't myself.

AY: It sounds like you were busy. You were just unintell

RS: Unintell

AY: Yeah. Someone called for medics, sometime from the minute you guys, you're in the bed of the truck to when he's down on the ground, right?

RS: Yes.

AY: Somebody called for medics. Anything else you can think ah...

WW: Unintell

AY: Oh yeah, oh before we get to that, yeah a good point. Anything else that we didn't ask you that you want to tell us that you think we should know?

RS: No.

AY: No? All right. For that, that concludes this part now the second part. Ah since ah, every, everybody was unintell with the exception of Corporal Klos' patrol vehicle when we arrived on scene. Oh, one other thing. At which point did ah, those two witnesses leave? Do you remember?

RS: It was, I'm not exact positive. It was while we were down after the, we had already pulled him out of the truck and we were on the ground with him. I, I know they, like I said, at some point I seen the ah, the, the female and her, and, and two small children, I believe they were her kids out, outside of the front of her car, in between her car and the truck kind of, you know not a great spot for have a couple of little kids too so I, I know they were, Sergeant Meeks went over and was speaking to her.

#### AY: Mmm hmm.

Ybarra   381   INV   Smith   334   91/14/2014 09:07	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
	Ybarra	381	INV	Smith	334	01/14/2014 09:07

NCIDENT NUMBER			BAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 87 OF 91	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	1	12/1/2012 - 1/14/2014	Sat - Tue	10:16	
Primary code section PC 245A1 - Assaul Additional code section		dly weapon o	r instrument other than a firearm	·		
OCATION OF INCIDENT, CI	Y STATE ZIP					

RS: I don't know if he told her to leave, if he asked her to leave or anything that happened. I know he was, he had spoken with her. I heard him saying something about getting her name briefly. They left. I don't remember if, I don't remember if they left after he was on the gurney. I think they left before but I'm not positive.

AY: So it's fair to say that after the conversation they had with Sergeant Meeks, a short time later they left?

RS: Yes.

AY: Okay. Fine that's all for that. Now, were gonna focus our attention to the ah, the white directly behind you? We ah, went ahead and drew up this diagram, very rough diagram of West 18th with the onramp to ah Civic Center and Harbor Drive. Umm and the trolley tracks would be running down here at, towards the bottom?

RS: Yes.

AY: Going from your left to the right and ah, can you please ah first start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with ah, let's go with the red pen ah where ah the start with a start with

RS: Unintell

AY: The, you can be approximate yeah.

RS: So I put the here.

AY: Okay.

RS: And then the, the sedan was right behind it.

AY: So, okay good, on the right side there oh so where was ah Sergeant Klos, I mean Corporal Klos' patrol vehicle? Do it on the blue. Is there blue there?

RS: No.

AY: Here unintell hold this. Alright Ryan.

RS: So when he came in, he came in and his car was...

AY: Oh okay.

RS: Roughly in here. So that's when he came back more towards the front of that car. He came around his.

AY: Okay what about you, your, your patrol car?

						DATE AND TIME OF REPORT
ı	REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	
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- 1	Ybarra	302	#11.A	1	<del></del>	

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 88 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION					
		ily weapon o	<u>r instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S	5)				
LOCATION OF INCIDENT, CIT	Y STATE ZIP				
530 W 21ST ST, Mor	unt Lag <u>una, (</u>	A 91950			

RS: I came in so there ah, its right back here behind that, okay that's why I was at towards the, right there. I came out, I was more towards the back. I was still off to the left but more towards the back of the great great ah...

AY: With the, do you remember where ah the firefighters were parked? Give it to us in green please. The rig?

RS: I think the rig was just basically back here at that point but...

AY: Not too sure?

RS: A little approximate? No, not, not as sure, I mean positive about really positive right so really comfortable where we were but I'm not, I know they were back behind us, I think they were on the right side but I don't know all that and as much, I feel like they were back here.

AY: What about the ambulance using that same marker. If you unintell

RS: I think that that unintell ambulance either here or a little bit further back from rolling back to it in here.

AY: But it was up front, it was to the, towards...

RS: No it was, it was towards the back, yeah unintell

AY: Ah and ah, you understand that there was also a couple of other patrol units, maybe some unmarked cars. Can you use it in black and just show us where those were parked if you remember?

RS: I, I don't know.

AY: You don't?

RS: Just say for certain and ah, and ah there was other cars back in the back behind here so that someone blocked off the roadway but I, I don't know if any unintell

AY: That's very good actually.

WW: That, that makes it a lot easier.

AY: Makes it a lot easier. Cause none of that was there when we, when we got there.

WW: Klos' car, when we got there, Klos' car was the only thing there.

AY: Yeah.

RS: Yeah.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

INCIDENT NUMBER	<del></del>	CAN	I DIECO DECIONAL	PAGE	CASE NUMBER				
			N DIEGO REGIONAL 'S REPORT NARRATIVE	89 OF 91	1207248				
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME				
CRIME PRIMARY CODE SECTION	24		12/1/2012 - 1/14/2014	Sat - Tue	10:16				
PC 245A1 - Assault	with a deadl	y weapon or i	nstrument other than a firearm						
ADDITIONAL CODE SECTION(S)				,					
LOCATION OF INCIDENT, CITY									
530 W 21ST ST, Moun	t Laguna, CA	91950							
AY: Unintell was gone, the engines were gone.									
WW: Trying to, trying to picture this.									
RS: Picture what it looks like?									
WW: Yeah and it makes sense why you guys approached the way you did and, and, and makes plenty of sense.									
AY: That's a lot u	nintell								
WW: No I'm good, with your rep			ob. Everything you said was, wa	s right on					
AY: Okay, this co	ncludes the a	n, the interview	w and the time is one forty.						
End of tape.									
		INVES	TIGATION CONTINUED						
			ed to meet with Sergeant Meel egal advisor they declined to pro						
Training Program at	Southwester 0 years. He l s to ask hin	n College, loc as been teach	h Mr. Sis the ated at 8100 Gigantic Street in a ling other paramedics on life savent of	San Diego. Direct	or has been a				
Director explains this 30 years of work	ned to us		ctor has never known of a	a case where a pa	tient expired due to				
Based on Director and they lose		and experience	ce, these are the steps a paramed	ic should take who	en a patient				
Apply medica Recognize pa Incubate him Continue life	tient stops br BBM bag								
Continue life	PRATIE HICOS	u ∨o							

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

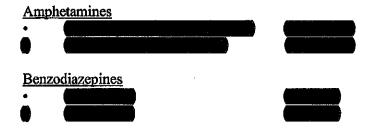
NCIDENT NUMBER SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE				90 OF 91	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24	ļ	12/1/2012 - 1/14/2014	Sat - Tue	10:16
PRIMARY CODE SECTION PC 245A1 - Assault Additional code Sections		Ily weapon or	instrument other than a firearm		,

- Measure EKG
- If no pulse check leads to EKG
- Continue to resituate

In his professional opinion, Director told me that the paramedics on scene did not do anything wrong or in violation of the San Diego County protocol.

On 12-20-12, Lieutenant Rounds handed me a copy of all of the radio traffic on NCPD channel-1 the day of the incident. The recording was recovered from the SDSO Sheriff's Communications Center.

On January 22, 2013, I obtained a copy of the toxicology report from Bio-Tox Laboratories. The report read that Martinez' blood had tested POSITIVE for the following:



Please refer to the attached laboratory report for all of the details.

On 05/02/2013, I received an electronic copy of Martinez' autopsy report. Chief Deputy Medical Examiner, Dr. J. Lucas, certified Martinez' death as "complications of resuscitative cardiopulmonary arrest due to acute methamphetamine intoxication, and the manner of death as accident." Please refer to Dr. Lucas' complete autopsy report for detailed information.

On 05/14/2013, I returned the to Corporal Klos. The two were eventually return to our weapons safe to be designated as ready to issue.

On 09/04/2013, I met with Martinez' and Martinez' at NCPD. I released Martinez' wallet and some of his personal belongings to her. They had been impounded under property barcode number I-0081498. I released the following items:

- (1) Black leather wallet
- (3) California identification cards #
- (1) Visa for Manuel Martinez (last-4 on card of
- (1) Visa US Bank for Manuel Martinez (last-4 on card of
- (6) Discount club cards
- (1) Public library card
- (6) Color wallet sized photographs

I made color copies of all the items and later impounded the color copies as evidence at NCPD.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Ybarra	381	INV	Smith	334	01/14/2014 09:07

	OFFICE	R'S REPORT NARRATIVE	91 OF 91	1207248		
BEAT	DISTRICT	DATE	DAY OF WEEK	TIME		
24		12/1/2012 - 1/14/2014	Sat - Tue	10:16		
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# **EVIDENCE**

Barcode Number	<u>Description</u>
I-0085355	(1) R&I, Warrant #S12-244 for UCSD Medical Center
I-0085356	(1) R&I, Warrant #S12-245 for AMR
I-0085357	(1) R&I, Warrant #S12-246 for Paradise Valley Hospital
I-0085358	(6) Pages of AMR "patient care" report, Dated: 12/01/13
I-0086835	(7) copies of all the items impounded under barcode# I-0081498

### **SUPPLEMENTALS**

Please refer to Officer Sakamoto's crime case report and supplemental reports from the following officers:

Lieutenant Rounds

Sergeant Young

Sergeant Cordero

**Detective Walters** 

**Detective Shephard** 

Detective Villariasa

**Detective Wilkins** 

**Detective Nagle** 

Detective Webb

Officer Dougherty

Sergeant Meeks

Corporal Klos

Officer Stinnett

Investigator DiZinno

Officer Estabrook

CSS Kirkendall

Officer Barawed

# **End of Report**

REPORTING OFFICER ID# DIVISION APPROVED BY ID# DATE AND TIME OF	
Ybarra   381   INV   Smith   334   01/14/2	914 09:07

# NATIONAL CITY POLICE DEPARTMENT APPLICATION FOR RELEASE OF INFORMATION PLEASE PRINT CLEARLY Note: Incomplete or illegible information may cause a delay in processing your request.

	,			Case #:	1207248
First Middle Address:	<u> </u>	- A) +A-	TIONAL Ci	Area Code	IF, 7/950.
This will certify that as:		☐ Driver ☐ Passenger	☐ Property Owne	r ØPar	ty of Interest
prevents him/her from repre					
		12	-23-20	14	
Signature		Date		•	
Type of Report Requested		eft, include the	mestic Violence clicense plate numb	☐ Identity er	
Reason for Request: Ref.	wat			***************************************	
Location of Accident/Incide	nt: Matto	nal cite	y Cally 21	1 Ib.	
Date of Accident/Incident: Note: Incomplete or illegib	12.01-12	Name of per	sons involved: ////	NUEL	
INSURANCE COMPANY NUMBER.	ONLY - COM	PLETE THIS SE	CTION. YOU MUST I	PROVIDE A	POLICY OR CLAIM
Company Name:	<u> </u>		Policy N	lumber:	
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Requested by:		Represe	nting:	The same of Laborating the Application of the Street Street, which we have the same of the Street Street, and the Street Street Street, and the Street Street Street Street, and the Street Str	manners of age-150-1500 to the second street of the second street of the second
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# DEPARTAMENTO DE POLICÍA DE NATIONAL CITY APLICACION PARA DAR INFORMACIÓN AL PUBLICO POR FAVOR ESCRIBA LO MAS LEGIBLE POSIBLE Nota: La información incompleta o ilegible puede causar retrasa en el proceso de su petición.

		NUMERO DE CASO #:								
Nombre:			Teléfono:							
Primero	, Medio	Ultimo	Códi	go de área						
Dirección:										
·		Ciudad	Estado	Codigo Postal						
Esto certifica que siendo: condicion fisica le probib	☐ Pasajero ☐ o represe	☐ Conductor ☐ Dueñ ☐ Persona interesada e entante de la persona in a si mismo, tengo uninte	mel reporte volucrada, quien debid	o a la edad o						
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Motivo de la solicitud:		;								
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Nombre de la/las personas	involucradas: _									
Nota: Información incomp	- I	1	- •	in.						
PARA USO EXCLUSIV	O DEL PERSO	ONAL		Amount Paid:						
Request Completed By:		: Request Re	leased By:	, Date:						

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	BEAT	<del>*</del>	DISTR		N	<u> </u>		DATE					DAY O		- 10	TIME		207270	1
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INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER		
			ER'S REPORT NARRATIVE	7 OF 10	1207248		
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME		
CRIME	24	İ	12/01/2012	Sat	10:16		
PRIMARY CODE SECTION		<del></del>					
PC 245A1 - Assault	with a d	eadly weapon or	<u>instrument other than a firea</u>	rm			
ADDITIONAL CODE SECTION(S)							
			RUCT/RESIST EXEC OFFICER				
LOCATION OF INCIDENT, CITY	STATE ZIP			•			
530 W 21ST ST. NAT	TONAL CIT	V. CA 01958					

#### SYNOPSIS:

Manuel Martinez (Suspect) entered the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. Martinez went behind the front counter and punched the Victim at least two times on the right side of his face forcing the Victim to the back room resulting in complaint of pain to his left cheek. Martinez pushed the Victim against a freezer resulting in scrapes on the Victim's shins and complaint of pain to his elbows. Martinez then threw a laptop computer striking the Victim on the back of his head.

Martinez ran to the customer area and tipped over several shelves. As the Victim ran outside for help, Martinez took a pack Camel cigarettes and a lighter from the display rack, opened the pack and lit a cigarette. Martinez also took a beverage from the display which he drank as police arrived on scene.

Martinez fled through the rear of the store and ran northbound along the train tracks to W. 18<sup>th</sup> Street where he was taken into custody. Martinez was taken to UCSD Medical Center for medical treatment.

As a result of Martinez' violent behavior during his apprehension, Officer Stinnett and Corporal Klos sustained some injuries.

### **ORIGIN**:

On 12/01/12, at about 1016 hours, I responded to a call of an Armed Robbery in progress at the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. NCPD Dispatch advised over police radio that the Suspect was reportedly armed with a knife or gun and was still inside the business and unknown injuries to the Victim. The Suspect was described as a White or Hispanic male in his 30's, with tattoos, wearing a white t-shirt and blue pants.

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ORIGINAL - 12/05/2012

INCIDENT NUMBER CASE NUMBER PAGE SAN DIEGO REGIONAL 1207248 OFFICER'S REPORT NARRATIVE 1 OF CONTINUED FROM BEA1 DAY OF WEEK OFFICER'S REPORT ONLY 12/1/2012 Sat PRIMARY CODE SECTION PC 211 - ROBBERY
ADDITIONAL CODE SECTION(S) PC 69 - OBSTRUCT/RESIST OFFICER; PC 245A1 - ADM LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST 91950

# SUPPLEMENTAL REPORT:

On 12/1/2012, I was on duty as a National City Police corporal. I was in full uniform and driving a marked police car. At about 1018 hours, I responded to assist with a robbery call at the deli in the 24<sup>th</sup> Street Trolley Station's parking lot. Per the CAD incident, a white male with tattoos, wearing a white shirt and blue pants, was barricaded inside the business and armed with a knife. There was also a broadcast about someone being shot or stabbed. I responded from the Plaza Bonita mail.

Upon my arrival at W. 22<sup>nd</sup> Street & Wilson Avenue a few minutes later, I heard units broadcast that the suspect was running northbound along the tracks. I drove north on Wilson Avenue, but my view of the tracks was blocked by large buildings on the west side of the street. I broadcast that I was going to go onto the freeway in an attempt to observe the suspect. A moment later, while in the 1800 block of Wilson Avenue, I saw the suspect running northbound along the tracks. The suspect continued running northbound, now on the train bridge that crosses over W. 18<sup>th</sup> Street.

I drove west on W. 18<sup>th</sup> Street, then north on the ramp leading to the Civic Center off-ramp from northbound I-5. I paused momentarily at the bottom of the ramp because I could no longer see the suspect. Stopped ahead of me, on the right shoulder of the ramp, were two vehicles with people in/around them. The vehicles were parked one in front of the other; a pickup was in front (north of) the other vehicle.

The suspect, later identified as Manuel Martinez, ran from the train tracks down to where the vehicles were. I thought that Martinez was going to carjack one of the vehicles because of the way he ran directly toward them. Instead, Martinez jumped head-first into the bed of the pickup. I stopped my police car in the middle of the ramp and ran up to the left side of the pickup. I drew my and pointed it at Martinez, who was lying on his back. I ordered Martinez not to move and to show me his hands.

At about this time, Officer Stinnet arrived and climbed into the truck bed to arrest Martinez. We ordered Martinez to lie face down and he complied. As Officer Stinnet began handcuffing Martinez' right hand, Martinez secreted his left hand under his body near his waistband. I ordered Martinez to show his hand but he did not comply. I grabbed Martinez' wrist but he resisted by holding it under him. I feared that Martinez was going to retrieve a weapon from his waistband to assault me and/or Officer Stinnet. Martinez several times in his left side in order and to get him to comply and present his hand. Martinez several times in the upper left arm, in order to distract him and to get him to comply and present his hand. Were also unsuccessful, as

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were ultimately su	ccessful an	ıd Martinez	eventually produced his hand	and was h	andcuffed.							
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530 W 21ST ST 91950					

opening his airway, while another medic was checking Martinez' carotid pulse, saying that there was a pulse present. Medics cut off most of Martinez' clothes, which I later impounded.

Martinez was placed in the ambulance. A few moments later, I heard from Sergeant Meeks or Officer Stinnet that fire/medics were on Martinez in the back of the ambulance. Sergeant Meeks directed me to take photographs of Martinez. I went to the ambulance, opened the rear doors, and saw fire and/or medic staff on Martinez. I took one photograph before the ambulance started moving. Medics in the ambulance told the driver to stop because I had opened the doors. I was told that they needed to depart so I got down from the ambulance and it drove away to the hospital.

Later in the day, I, along with Sergeant Meeks, Officer Stinnet and Officer Estabrook and his K9 partner, checked (with negative results) the area north of the train tracks from the 24<sup>th</sup> Street trolley station looking for a weapon that may have been dropped by Martinez.

After checking the tracks, I retrieved from the inside of my police car and gave it to Sergeant Leach.

As a result of the incident, I suffered soreness to my right hand, a small cut on my right index finger, and an abrasion to my left knee.

# IMPOUNDED EVIDENCE:

Tag #I0081497: Martinez' pants, shoes, socks, and belt.

Tag #I0081498: Martinez' wallet and its contents and miscellaneous items.

Tag #I0081499: \$8.30 cash from Martinez' property.

Tag #I0081500: Photo CD containing the one photograph I took.

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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 7 OF 10	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/01/2012	Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)		dly weapon o	instrument other than a firea	<u>rm</u>	
		; PC 69 - OBST	RUCT/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY					
530 W 21ST ST, NAT	IONAL CITY,	CA 91950			

#### **SYNOPSIS:**

Manuel Martinez (Suspect) entered the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. Martinez went behind the front counter and punched the Victim at least two times on the right side of his face forcing the Victim to the back room resulting in complaint of pain to his left cheek. Martinez pushed the Victim against a freezer resulting in scrapes on the Victim's shins and complaint of pain to his elbows. Martinez then threw a laptop computer striking the Victim on the back of his head.

Martinez ran to the customer area and tipped over several shelves. As the Victim ran outside for help, Martinez took a pack Camel cigarettes and a lighter from the display rack, opened the pack and lit a cigarette. Martinez also took a beverage from the display which he drank as police arrived on scene.

Martinez fled through the rear of the store and ran northbound along the train tracks to W. 18<sup>th</sup> Street where he was taken into custody. Martinez was taken to UCSD Medical Center for medical treatment.

As a result of Martinez' violent behavior during his apprehension, Officer Stinnett and Corporal Klos sustained some injuries.

#### **ORIGIN:**

On 12/01/12, at about 1016 hours, I responded to a call of an Armed Robbery in progress at the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. NCPD Dispatch advised over police radio that the Suspect was reportedly armed with a knife or gun and was still inside the business and unknown injuries to the Victim. The Suspect was described as a White or Hispanic male in his 30's, with tattoos, wearing a white t-shirt and blue pants.

#### **INVESTIGATION:**

Sergeant Young advised over his police radio he had the Suspect, later identified by his California Identification Card as Manuel Martinez (Martinez), who was barricaded inside the rear of the Trolley Side Deli & Minimart at gunpoint.

Upon arrival, I saw Sergeant Young with weapon drawn in front of business and went to his location. Sergeant Young advised there may be an exit to the northwest of the building. See Sergeant Young's Supplemental Report for further details.

I went along the trolley train tracks on the Westside of the building to search for a possible exit. Detective Dizinno acted as my See Detective Dizzino's Supplemental Report for further details. As I approached the loading dock on the north side of the building, Sergeant Meeks, who was on the east side of the loading dock, advised he saw Martinez exit the building and was inside the loading dock. See Sergeant Meeks' Supplemental Report for further details. As I scanned the area, Detective Dizinno advised Martinez was north of my position. I looked north along the train tracks and saw Martinez running northbound about 50 yards in front of me. Detective Dizinno and I trailed Martinez and put out his direction of travel.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 8 OF 10	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/01/2012	Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)		dly weapon o	r instrument other than a firea	rm	
		; PC 69 - OBST	RUCT/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY			·		
530 W 21ST ST, NAT	IONAL CITY,	CA 91950			

As he arrived at the W. 18<sup>th</sup> Street overpass, Martinez went into the bushes on the west side of the tracks. Shortly there after, Corporal Klos advised he was taking Martinez into custody. See Corporal Klos' Supplemental Report for further details.

Detective Dizinno and I returned to the scene. While en route back to the scene, I heard Sergeant Meeks say over police radio Martinez was continuing to fight officers.

Detective Dizinno took digital photos of the scene and the Victim's injuries which he gave to me. I, later at NCPD, transferred the photos to CD-R and impounded it for evidence.

I contacted the Victim, identified by his California Driver License as a documented his statement. Stated Martinez punched him at least two (2) times on his left cheek resulting in redness and swelling. Martinez pushed causing him to fall against a freezer hitting his right cheek, both elbows, and both shins. Martinez also three the pushed computer at him which hit can a unknown location. I saw redness on the both cheek. The bank complaint of pain to both of his elbows, scrapes on both his shins and a cut about one inch in length on his right index finger.

stated during the incident, Martinez took a pack of Camel unfiltered cigarettes and a blue BIC lighter from the display rack and smoked a cigarette. I looked on the front counter and saw a pack of Camel unfiltered cigarettes with one (1) cigarette missing and a blue BIC lighter. Martinez also advised Martinez took and drank a blue Monster Energy Drink. I looked in the back room and saw an open blue can of Monster Lo-Carb Energy Drink on the counter.

Sergeant Meeks directed me to lock down the scene for detectives and crime scene specialists. See Detective Ybarra's Report and CSS Kirkendall's Supplemental Report for further details. I put up crime scene tape blocking the front and rear of the business and assumed duties of scene security/scribe. I documented scene access as follows:

1410 hours - Det. Dizinno and M. Hermiz enter scene to front doorway re camera coverage.

1445 hours - CSS Kirkendall entered scene

1456 hours - Det. Wilkins entered scene

1457 hours - Lt. Tellez entered scene

1547 hours – Det. Walters and Det. Ybarra entered scene.

1650 hours - All units clear scene. Scene released to Victim.

During this time, I also stood by with a sum until Detective Walters transported him to NCPD for an interview.

#### **BACKGROUND:**

None.

#### **STATEMENTS:**

Statement of (Victim):

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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Sakamoto	439		Ybarra	381	12/01/2012 12:43

INCIDENT NUMBER	<u> </u>	SAN	DIEGO REGIONAL	PAGE	CASE NUMBER
			S REPORT NARRATIVE	9 OF 10	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME 10.16
CRIME PRIMARY CODE SECTION	24	<u> </u>	12/01/2012	Sat	10:16
PC 245A1 - Assault	with a deadly	/ weapon or in	nstrument other than a firearm		
ADDITIONAL CODE SECTION(S) PC 212.5(C) - ROBBERY:	SECOND DEGREE:	PC 69 - OBSTRUCT	/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY	STATE ZIP	,			
530 W 21ST ST, NATI	ONAL CITY, CA	A 91950			
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moving it in a computer and it impacted hi	n up-and-dov threw it at	vn motion. M	kroom counter and held it up to blartinez returned to the front count dvised the laptop hit him, but at the	er, picked up	laptop
an opening ar looked throug a pack of Car	nd ran outside gh the south f nel unfiltered	and asked by ront door of the cigarettes fro	tipped over shelves spilling merch passers to call for help while still ne business and saw Martinez behi m the display rack and opened it. I to light it. Martinez grabbed a bi	nolding the not and the front course. He took a cigare	nter. Martinez took ette out and grabbed
Martinez wer on-scene.	nt to the refrig	gerator and too	ok a blue Monster Lo-Carb Energy	Drink and dran	k it. Police arrived
<u>EVIDENCE</u>	:				
TAG#		DESCRIP	TION		
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			processed the scene for evidence.	Refer to their Su	pplemental Reports
<u>INJURY</u> :					
had re his shins and injuries.	dness and sw a cut about o	elling to his le one inch in len	oft and right cheeks, complaint of page of the grant of t	pain to both elbo refused medic	ws, small scrapes to al treatment for his
PROPERTY	Y DAMAGE	:			

Martinez (Suspect) threw the Victim's laptop computer (valued at about \$400) which came apart as it impacted the floor. Martinez caused an unknown amount of damage to merchandise. Store employees were unable to assess damages until the scene was processed.

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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 10 OF 10	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/01/2012	Sat	19:16
PC 245A1 - Assaul ADDITIONAL CODE SECTION		dly weapon o	r instrume <u>nt other than a firea</u>	rm	
		: PC 69 - OBST	RUCT/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CI	TY STATE ZIP				<del></del>
530 W 21ST ST. NA	ATIONAL CITY,	CA 91950			

# **FOLLOW UP:**

To be determined by the Investigations Division.

# **RELATED REPORTS:**

- Sergeant Meeks' Supplemental Report
- Sergeant Young's Supplemental Report
- Sergeant Aydellotte's Supplemental Report
- Sergeant Cordero's Supplemental Report
- Corporal Klos' Supplemental Report
- Officer Dougherty's Supplemental Report and CHP 180
- Officer Stinnett's Supplemental Report
- ✓Officer Barawed's Supplemental Repot
  - CSS Kirkendall's Supplemental Report
  - Detective Ybarra's Supplemental Report
  - Detective Dizinno's Supplemental Report

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REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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#### Yolanda Felix

From:

Antonio Ybarra

Sent:

Tuesday, December 30, 2014 5:43 PM

To: Subject: Yolanda Felix RE: Police Report

Yes ma'am the case number is 1207248. Thank you for the calendar @

"Embrace Chaos & Minimize Confusion"

Antonio Ybarra, Patrol Sergeant National City Police Department 1200 National City Blvd. National City, CA 91950 Desk: (619) 336-4487

From: Yolanda Felix

Sent: Tuesday, December 30, 2014 9:42 AM

To: Antonio Ybarra

Subject: FW: Police Report

Tony

Do you have any more information? I am checking RMS and came up with this case number 1105489 do you know if that is it?

Thanks, Yolanda

From: Antonio Ybarra

Sent: Tuesday, December 23, 2014 5:29 PM

and development with the superior of the super

To: Gregory Seward Cc: Yolanda Felix

Subject: Re: Police Report

Thank you!

Sent from my iPhone

On Dec 23, 2014, at 3:56 PM, Gregory Seward < GSeward@nationalcityca.gov > wrote:

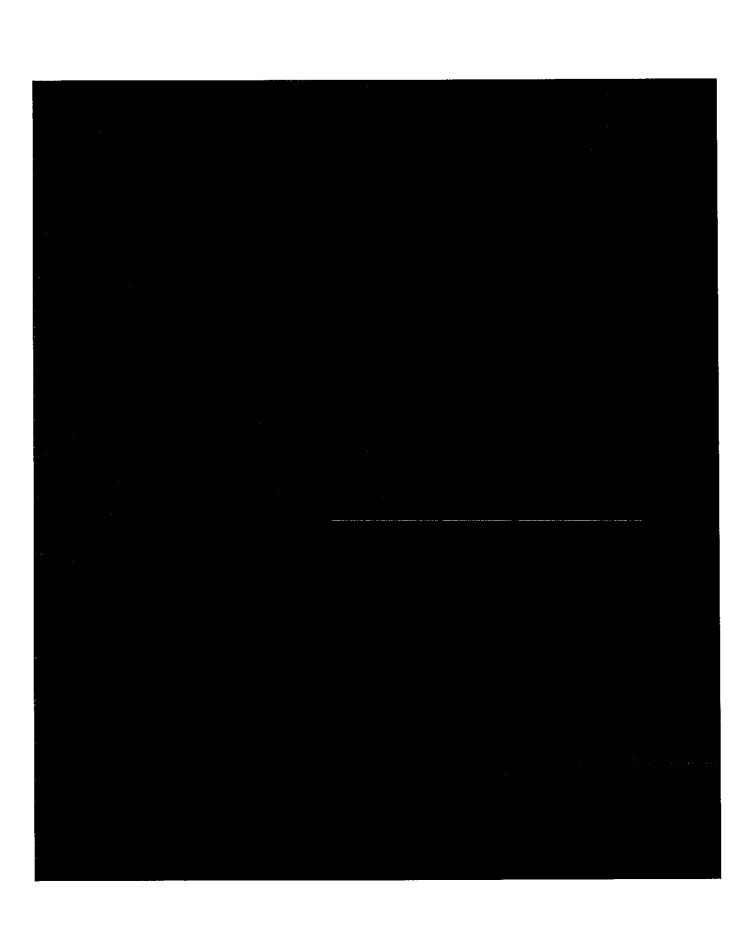
I believe that per the policy some things will have to be redacted and there should be a fee, but in the sake of good relationships we will waive that fee. I have CC Yolanda on the e mail to make sure that happens.

Greg

# FIELD PROPERTY RECEIPT / RELEASE FORM

NATIONAL CITY POLICE DEPARTMENT, CITY OF NATIONAL CITY, CALIFORNIA
1200 NATIONAL CITY BLVD • NATIONAL CITY, CA 91950-4302 • (619) 336-4447

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## **Check-Out Release Form Activity Number: 1207248**

**NCPD** 1200 National City Blvd National City, CA 91950

 	Destina	ation	 <del> ,</del>

**INVESTIGATIONS** 

Released By: 5610	Castro, Vanessa	Date: 09/04/2013
Released To: 381	Ybarra, Antonio	Time: 12:56 pm

Item ID	Description	Tag No.	Evidence IDs	Quantity UOM
10081498	WALLET AND CONTENT, MISC			1 EA
	ITEMS			

1 total items released

Ybarra, Antonio

# FIELD PROPERTY RECEIPT / RELEASE FORM

NATIONAL CITY POLICE DEPARTMENT, CITY OF NATIONAL CITY, CALIFORNIA 1200 NATIONAL CITY BLVD • NATIONAL CITY, CA 91950-4302 • (619) 336-4447

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## FIELD PROPERTY RECEIPT / RELEASE FORM

NATIONAL CITY POLICE DEPARTMENT, CITY OF NATIONAL CITY, CALIFORNIA 1200 NATIONAL CITY BLVD • NATIONAL CITY, CA 91950-4302 • (619) 336-4447

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INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFIC	ER'S REPORT NARRATIVE	2 OF 4	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/01/2012	Sat	10:17
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LOCATION OF INCIDENT, C	CITY STATE ZIP				
530 W 21ST ST. N	ATIONAL CITY.	CA 91950			

### **Detective's Supplemental Report**

#### Callout:

requested my assistance regarding a suspect who committed a robbery and sustained injuries as he tried to flee from the police and fought with the arresting officers. The suspect identified as Manuel Martinez, was transported to UCSD Medical Center and had an address in the 1700 block of Grove Street, National City to search Martinez' residence.
Investigation:
I telephoned Detective Nagle who requested I meet him at National City. On December 1 <sup>st</sup> , 201 at approximately 1502 hours, I arrived on scene and met with Detective Nagle, Officer Dougherty, and Investigator Di Zinno. I stood in the living room area with a female and male who were identified to me as (Mother of Sanda and Sanda (brother of Sanda while Detective Nagle, Officer Dougherty, and Investigator Di Zinno conducted a 4 <sup>th</sup> waiver search of the Martinez' residence. Refer to their supplemental reports for any further information.

Afterwards, Detective Ybarra assigned me to speak with one of the paramedics that treated Martinez. On December 1<sup>st</sup>, 2012 at approximately 1613 hours, I met with American Medical Response (herein known as AMR) Paramedics Prietto and Hluz at NCPD. I escorted Prietto into interview room #1 and Investigator Di Zinno escorted Hluz into interview room #2, which are both within the investigations division. The interview rooms have a motion sensor and automatically records (video/audio) any interviews in the rooms. I later transferred the interview recording of Prietto onto a DVD and impounded it for evidentiary purposes at NCPD Property Room. The following is a bulleted summary of Prietto's statement. Refer to the DVD for Prietto's statement in its entirety.

### Statement of John Joseph Prietto:

- Prietto is works for American Medical Response as a paramedic. Prietto has been a paramedic for approximately 5-years.
- On December 1<sup>st</sup>, 2012, Prietto and his paramedic partner, Ahmed Hluz were on duty as paramedics. Prietto recalls receiving a pager call to respond to W. 18<sup>th</sup> Street cross of Wilson Avenue. Prietto does not recall what the call for service as for.
- Prietto was the driver, arrives on scene and parks behind a police car. Prietto recalls seeing a firefighter who request a backboard and restraints.
- Prietto saw the patient (herein known as Martinez) face down being held down by several police officers. Prietto saw Martinez struggling with the police officers; therefore, Prietto went back to the ambulance to get the police officers, firefighters and

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Villariasa	380	INV	Smith	334	12/01/2012 15:54

INCIDENT NUMBER	SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE		SAN DIEGO REGIONAL				CASE NUMBER 1207248
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paramedics. Prietto told me that it is a county protocol to a patient who is uncooperative with police/fire/paramedic personnel.

- Before walking back to the ambulance, Prietto heard someone talking about placing a "spit sock" on Martinez. When Prietto got back to Martinez he saw Martinez wearing a "spit sock."
- Prietto walked back to Martinez' location and saw police/firefighters placing restraints on Martinez. Prietto heard Hluz ask, "Is he still breathing?" Prietto does not know who; however, someone responded "Yes," and then someone asked to monitor his breathing. Shortly thereafter, Hluz asked to get an air bag ready. Prietto ran back to get an air bag and as he started to run back, he noticed Martinez was being carried to the ambulance.

•	Martinez was placed into the ambulance and an EKG monitor was placed on him.
	driven to UCSD Medical Center.
	Once at UCSD Medical Center, transfer of care was given to hospital staff.

On December 1<sup>st</sup>, 2012 at approximately 1705 hours, Detective Ybarra requested Lspeak with one of the National City Firefighters that responded out to the scene, where Martinez was taken into custody. There were several National City firefighters in the waiting area of the investigations division. I met and escorted Fire Captain Mark Gundert into interview room #1. I later transferred the interview room recording onto a DVD and then impounded it for evidentiary purposes at NCPD Property Room. The following is a bulleted summary of Gundert's statement. Refer to the DVD for Fire Captain Gundert's statement in its entirety.

#### **Statement of Mark Gundert (witness):**

- Gundert is a firefighter and holds a rank of Captain with the National City Fire Department. Captain Gundert has been a firefighter for 35-years.
- On December 1<sup>st</sup>, 2012, Captain Gundert was in uniform and on duty. Captain Gundert and his firefighter crew received a radio call to respond to W. 18<sup>th</sup> Street and Wilson Avenue at approximately 1030 hours. Captain Gundert recalls the call for service was evaluate a patient for law enforcement personnel.
- Captain Gundert estimates it took approximately 3-minutes to respond to the scene. On arrival, Captain Gundert saw three police officers trying to holding down a subject (herein known as Martinez) who was on the ground, handcuffed and struggling with the officers.
- Captain Gundert saw blood on Martinez' face and saw Martinez rubbing his face on the asphalt.
   Captain Gundert saw several detectives arrive on scene and a "spit mask" was placed on Martinez.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Villariasa	380	INV	Smith	334	12/01/2012 15:54

INCIDENT NUMBER		SAN DIEGO REGIONAL PAGE OFFICER'S REPORT NARRATIVE 4 OF 4			CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME .
CRIME	24	1	12/01/2012	Sat	10:17
PRIMARY CODE SECTION	PRIMARY CODE SECTION				
PC 212.5A - ROBBERY: FIRST DEGREE					
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT, CITY STATE ZIP					
530 W 21ST ST, NATIONAL CITY, CA 91950					

 Paramedics arrived on scene and brought a gurney to them. Captain Gundert observed as police and fire personnel place Martinez onto the gurney face up. During this incident, Captain Gundert saw Martinez continue to struggle with police/fire personnel.

•	Captain Gundert saw one of the paramedics with medication, which he believed was
•	After Martinez Captain Gundert saw his firefighters checking his pulse. Captain Gundert
	looked at Martinez' eyes and
	The paramedics made a comment that they had a pulse.
•	Captain Gundert saw the paramedics and firefighters move Martinez to the ambulance,
	The paramedics transported to Martinez to UCSD Medica
	Center, where medical care was transferred to hospital staff.
•	Captain Gundert told me that giving Verced is a county protocol for combative patients. Additionally,
•	Captain Gundert said, the actions taken by police/fire/paramedics appeared to be the norm for
	patients.

## Evidence:

Property Tag # Description:

I0078221 DVD-video/audio interview of John Prietto

I0078222 DVD-video/audio interview of Mark Gundert

## **End of Report**

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Villariasa	380	INV	Smith	334	12/01/2012 15:54

AGENCY: NCPD

CASE NO.: 1207248

To: fecords
for file
Case # 1207248

INTERVIEW OF:

**INTERVIEWED BY:** 

DETECTIVE ANTONIO YBARRA
DETECTIVE WADE WALTERS

TRANSCRIBED BY: Beatrice Gonzalez

## 1207248: INTERVIEW OF NUNO FAMILY

Mmm hmm.

	The following is a transcription of terror and and terror and terr
"WW"	Detective Ybarra will be referred to as "AY" and Detective Walters will be referred to as will be referred to as will be referred to as "and w
AY:	Got some parts there
	You know that, from my, called me later that night you know irate and I'm trying to put the puzzle together you know its slowly dissecting everything. That's pretty much what I kind of got why this, and nobody really knows you know and that's kind of the main reason why we want to come in too.
AY:	Absolutely.
	Is to get the full story.
AY:	So before we get started, let me just get some formalities out of the way and this way we can get started, okay? All right, today is ah, I'm pretty sure it's December the 5 <sup>th</sup> , ah 20-12, it is Wednesday; it's three o'clock in the afternoon. We're at the National City Police Department. Ah present in the room with me is Detective Wade Walters. Can you please ah give us your first and last names, spell your last name.
	Ah
AY:	Ma'am can you do the same?
AY:	Same thing
	I mean and the second s
AY:	Thank you and my name is Detective Antonio Ybarra. I'm the ah, the lead detective on this investigation. And this is reference case number 1-2-0-7-2-4-8, an incident that occurred on the first of December of this year at approximately 10-16 hours in the morning. The location was 5-30 West on 21 <sup>st</sup> Street.
ww:	Unintell Thanks Bud.
AY:	Do you have some I.D. that I can see please? Thank you ma'am. Thank you sir. And again, this is just so I can document who I spoke with.

AY:	Everything on here is an accurate second and the se
	Umm actually that address, the home address is ah, I'm out in ah Spring Valley now.
AY:	Oh.
	San Diego, so that's my old address. So do you need the address as well?
AY:	Ah in a second, yes please.
	Okay.
AY:	Were you present when our detectives were at house?
	No.
AY:	Who was there? I, I thought
	Mmmmm
	Ah me, ah
AY:	Is that another (1997)?
	My
AY:	Okay.
	Mmm hmm.
	He yeah, he's, he's got some some some so he's probably couldn't be a good you know contact person.
ww:	Got cha.
AY:	We appreciate the way you stepping forward man, taking the lead on this. Dude you don't know much that helps us, both sides.
	I just wanted you know, figure it out. I want to know exactly what happened.
AY:	Sure, sure.
	Umm and I want to help you guys out as much as possible.
AY:	What, what is your current address please?
	Ah San Diego, California, 9-2-1-1-4.

AY:	Ah you have a cell number?
	Ah it's
AY:	Home number?
	Umm I, I live by my cell phone.
(Laugl	hing)
AY:	Okay. Also ah, work or school?
	Ah I have a work number. Umm, I prefer that you call me just on my cell, you know.
AY:	No, no ah I will but
	Umm
AY:	Mmm hmm.
AY:	Where's that at?
	And that's ah, it's some some some some some some some going through a whole like automated system and
ww:	Talk to everybody but you?
	You know I would rather keep my work with work and my, you know.
ww:	I gotcha.
	When you guys call your detectives such and such and gossip around there's
ww:	Mmm hmm.
	When you work a bunch of women.
(Laug	hing)
AY:	What do you do there man?
	Umm there ah, I'm in a well well well well
AY:	Okay. And what's the address of this man?

	Ah it's at Coronado.
AY:	And zip code at the island?
	Oh 9-2-1-1-8.
AY:	And do you have a set schedule or is varied unintell
	Ah it kind of varies ah, I've lately been on a pretty set schedule, yeah, eight to five and then work umm you know weekends, some of the same.
AY:	Oh a good varied right?
	Yeah it, it does vary, yeah.
AY:	Okay. Unintell Is everything here correct ma'am?
	Yes.
AY:	
	Yes that's where I live.
AY:	
	Yes.
AY:	Ah phone number for you ma'am?
	Ah I can give you my cell phone number.
AY:	Please.
	It's ah area code
AY:	Mmm hmm.
	And its
AY:	And you have a home number?
	Yes I, it's ah area code
AY:	Do you work? You're retired or volunteer?

AY:

	okay?
	Yes please.
AY:	Umm well for starters, can you tell us how you found out about all this and what do you know.
	So on Sunday, Sun well, Sunday morning about twelve, what time did you call me? Would you say about two a.m.? Two or three a.m.?
	About.
	was rushed over to USD Medical Center.
AY:	Mmm hmm.
	Its kind of all I knew at the time you know and I was like, and oh and that he was you know, dead on arrival umm, that's what she was telling me you know so I was like what you know so I rushed over to grab her and we rushed over to USD Medical umm where the doctors there said that he came in through E-D and ah he was a trauma patient, he had you know hit, his
AY:	Mmm hmm.
	And he was, they were pretty much doing and and they said where they were able to and that's where he was kind of like They said he was
	That he was in a
AY:	Okay.
	And that's kind of what they said happened to him and then a doctor had came in, said that you know police had told them that umm yeah there was a robbery going on, ah attempted robbery.
AY:	Mmm hmm.
	Umm at a deli. She didn't say specifically. said that the 24 <sup>th</sup> Street Trolley, that's what she said that's what the police officer had said. So I'm going off all these hear says you know.
AY:	There was a police officer there at, at the home?
	Yes a police officer unintell

Oh at your home, oh okay

AY:

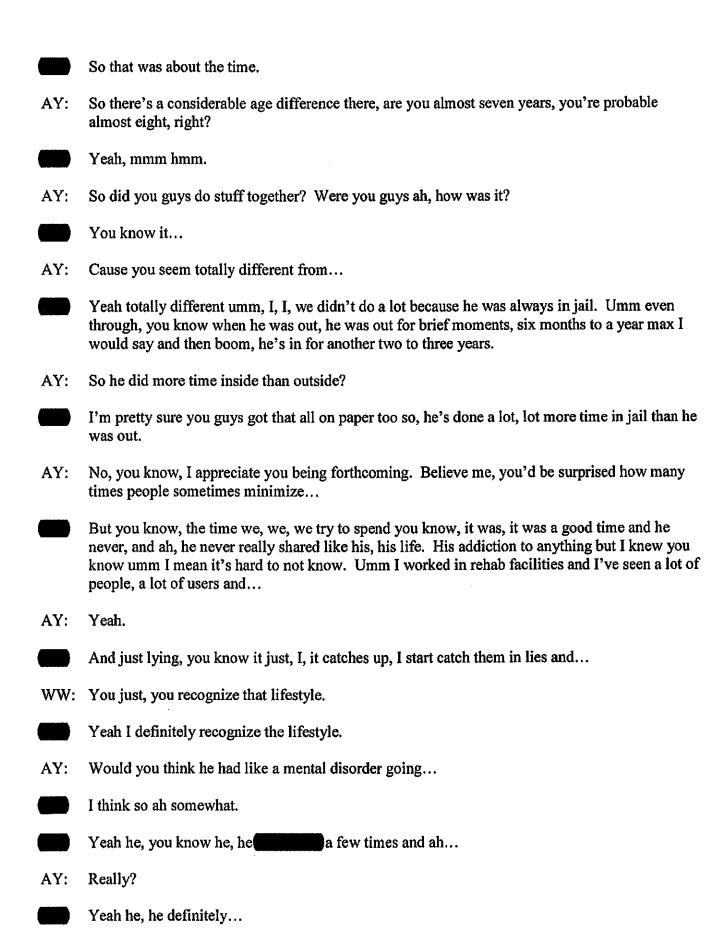
	I'm sorry, I'm sorry, I'm jumping around, I'm sorry.
AY:	Unintell at the hospital.
	No, no, no. So the doctor's telling me this you know that umm he, he attempted to rob ah, a, a deli.
AY:	Mmm hmm.
	And umm I guess it was like a fight going on between, well they, they didn't really know, you know.
AY:	Sure.
	And I guess the officer didn't really say much because it was a totally different issue.
	I was told that they did not find nothing on Manuel. No weapons, no, nothing.
AY:	That's accurate, yes.
	So umm, umm so they told me at the hospital that umm ah he wasn't under arrest ah
AY:	Mmm hmm.
	And that they were there, they weren't there to you know judge him on anything he done, they were just there to save his life and so that's why I'm kind of like oh and, and the doctor was telling me umm that he, he had attempt to get away and his attempt to run away and he had ran, jumped into a back of a parked pick-up truck where he had smacked his head umm and the police officer had, a police officer had caught up to him about that time.
AY:	Mmm hmm.
	And umm I guess it was like a scuffle and then they detained him and his heart stopped at the time of that and that's when they started
AY:	Okay.
	That's, that's what they left me with so
AY:	Sure.
	Umm.
AY:	Part of it is accurate, part of it is not.
	Okay.
AY:	Okay umm what can you tell me about Manuel? You know we talked briefly on the phone. I

	mean
	Umm you know he, he's been ah, he's a good guy you know he, well he is good guy but he never knew what it really was to live out, outside the jail, you know. As you can tell, he's got ah extensive rap sheet so ah he's been in and out of jail umm
AY:	How early do you remember, at what age did he go in to the first time?
	Well I think about
AY:	?
AY:	Mmm hmm.
	Ah, ah, ah Manuel was Manuel, Manuel why didn't you take it out of the money that ah, you paid for the medicine for me.
AY:	Mmm hmm.
	He went for me.
	So he started off real young?
	I don't know ma, I don't know ma, and that was the first time.
AY:	And then after that he was kind of in and out?
	Yeah you know he
	Mmm hmm.
	And you know he went to you know the kind of thing. Met a lot of people here in the city, got in, affiliated with the gangs here in the city.
AY:	Do you remember which one?
	Umm I don't know. I know he's part of like O-T-N-C.
	Ah it
	I don't know if there's like a different branches of O-T-N-C.
	Manuel told me that ah, if ah he didn't join them, that they were gonna bring him down. So they jumped him and he, to them he passed.

AY:	This was outside or in the jail?
	Oh outside.
	I remember the day too.
	Eight years ago.
	I remember when we went to go pick him up.
AY:	Mmm hmm.
	Me and went to go pick him up and we went to, we were driving in the truck and was like, what happened, he's got like you know broken ribs and face is all busted up and, teeth all chipped up and ah I, I don't think it too chipped up but he had like, his lip was all
AY:	He was pretty badly beaten.
	Yeah.
	Yeah.
	He was beaten up pretty bad and I remember him telling that story too if he didn't get into it that they were gonna, they were gonna make sure that he wasn't you know around.
	Do you remember about what time was it? How old were you?
	Man I was, I was probably like five or six. I remember sitting in, in my dad's truck, my dad had like this old pickup. We were just sitting, it's a little three seater.
AY:	So you're a little fella.
	Yeah I remember looking at him and just like, my dad just, just hearing you know and just, I was there looking at him.
AY:	How old was Manuel approximately? I mean how, how much older was he?
	He was probably about twelve huh?
	About twelve.
	Twelve, thirteen?
	About.
	I think he was ah, he was going to National City Middle.

Mmm hmm.

AY:



AY:	On what?
	Ah methamphetamines.
AY:	Meth?
	Yeah. There was a time maybe back in 2002.
AY:	Mmm hmm.
	He might have the here in National City, they took him in. He was again the here in National City, they brought him to Paradise Valley Hospital. Umm he was in a too for
	No this
	No?
	This was the first time.
	No, no, no the, when he
	Oh that they
	But didn't, did, wasn't he in a for a little
	No, no. From what I know, this is his
	So I mean your some type of maybe some, some kind of the there.
ww:	A bit of a slow down?
	I kept telling the folks year after year when Manuel goes to court and ah I go. I keep telling 'em, Manuel needs to be at a place to get intensive care. Ah talk to a psychiatrist ah have the place do everything possible for him. He needs the help.
	You know and the thing is he, he was always looking for help too.
	And
	help you know, I just, oh go ahead.
	Ah he, he told me that ah, he's gonna just be at my house temporary until these people from

take up to two weeks.

AY:	Yean it's about right. Right when people come out, yean it takes about two weeks.
	This is the most recent.
	I told him don't just wait, keep calling them, tell them it's urgent if they can push the situation to get him in.
AY:	Mmm hmm.
	Because I honestly felt in my heart that some, he's not going to make the two weeks.
AY:	Why is that now?
	Ah that something was going to happen.
AY:	Something that he would do or just something would happen? There's a bad feeling
	You know that he won't, he won't make it of getting it, getting in.
	For some reason, we had this feeling like I had the same thing like when I last saw him last Wednesday. Umm I spoke, I went over to the house and I was actually in a, I have a newborn and umm you know I was going to take him over and show him the Christmas lights I put up and you know we were, you know, I made dinner and everything and he was, he told me he didn't, he wasn't feeling too good and I, I think there was already something I think he might have umm you know started using or something there.
	Also but that's not the only thing. He came in my room, right before all this happened. He says he went like this, my
	Yeah.
	I'm in pain and he says that he went to the bathroom and that the ah what did you call it?
	His The Control of th
	It's full of
	That ah had a lot of
	Umm he's, he's had issues. I mean he's got, he's had and an an an an I'm assuming he had umm damage you know definitely from the, the years of drug use and umm I just think it kind of went untreated while he was in jail and
	Yes.
	When he came out, he was just in a lot of pain.

	I told him please Manuel, tell your P-O that you wanna check into the hospital. Do it because that doesn't look right.
AY:	Mmm hmm.
	He was in pain but he
	I, I could tell that he, he was hurting and this was a day right out of jail so.
AY:	Right out of jail, on Wednesday.
	Yeah he
AY:	But what time do you think it was, the time unintell
	Ah I got off at five and I was there by the house by about five thirty, five thirty five and I, I seen him. You know and, I, I, I couldn't tell if he was on something or he was in pain but was telling me he was, he was telling me he was, he was telling me he was in pain.
AY:	Sure.
WW:	When you talked to him, was he kind of down in the dumps or was he, you said
	No he wasn't like down but he was like you know I, I'm not feeling really good right now. He goes and when I see the baby I want to, I want to be able to you know hold her and you know love her and every, I'm just not feeling like it right now. You know I had dinner planned for him you know so umm for, for him to kind of just, I knew there was something, you know.
AY:	Okay umm so ma'am, what can you tell us about, so what, what did he do like Wednesday, Thursday and Friday? Can you kind of break
	Before this happened?
AY:	Yes ma'am. Can you kind of walk us through those days please.
	Well he, he just ah starting to write ah letters. I don't know to who cause I never get to ah see it.
AY:	Sure.
	And umm hear the radio, you know the music and umm eating and then ah, ah using the telephone a lot.
AY:	Which phone?
	Umm my cell phone.

AY:	Your cell phone?
	Ah huh.
AY:	Okay.
ww:	What was it, that phone?
	Yeah.
ww:	Would you mind if I looked at that? Are those calls still in there?
	I, I don't know unintell
	There's going to be a lot of numbers in there cause
	I don't know how to do that.
	been calling everybody since Manuel's passed away.
ww:	Go back to the, the days.
AY:	Well were only interested on, on unintell
	Oh within those days.
AY:	Yeah. Ah so keep to, keep coming.
	Ah so
	My uses that phone as well too so.
AY:	Okay.
	He leaves for a little while and he went over to some house to eat chicken because ah the mother of his friend made food for him. She invited him.
AY:	Okay so, this is important ma'am. What day is this that he goes out?
	Ahhh.
AY:	Is it Wednesday or Thursday?
	It think it's, it was the 2 <sup>nd</sup> .
AY:	So, so it was Thursday? The next day?
	Yeah,

AY:	Okay.
	And that he stayed for a little while and then umm because ah the mother ah has a, her son in a, in the prison where Manuel was.
AY:	Oh okay.
	They were both friends like this since ah elementary.
AY:	You know, you know where this person lives?
	No, that I don't know.
	Like, like he, like
	He said he's gonna to be getting out ah March something.
AY:	Name? Do you have a name? Nickname?
	Ah I only know the first name
AY:	okay.
	At the place where ah Manuel ah
AY:	Manuel was in Donovan?
	Yes, Donovan State Prison.
	And he might of had a cell mate.
AY:	Okay.
	Well their really close friends since young.
AY:	All right. So what time do you think he went over there? Approximately? Was it in the morning or late in the evening?
	Mmmm early evening.
AY:	Early evening? Does he come back that same night or does he
	Yes at the, in the evening, yeah.
AY:	Then what happens ma'am?

He just ah lays down and go, goes to sleep but before that, he was complaining about his

AY:	Oh so he was, I mean this is right out of, literally coming out of prison, he's complaining about the following days, he still complaining about it.
	Yeah but he didn't go to the ah emergency.
AY:	Did he go to the hospital?
	He didn't go, I begged him but he says that he has to do something first.
AY:	Okay.
	I felt he was pressured cause he said that he owed a guy, you know that is in prison, five hundred dollars.
AY:	Mmm hmm.
	That really worried me.
AY:	Did he say for what?
	Ahhh I guess those people inside, what do you call them, deputies or
AY:	Yes.
	That brand of place.
AY:	The C-O's?
	Ah huh, didn't get, wasn't aware of what was going on and from what the little bit that I know that he told me.
AY:	Yes.
	That he was willing to help this cell mate and he swallowed a bag in here. Moments later it burst. Those people there ah didn't find out because someone there had a syringe and ah
AY:	So some, what he
	Right shortly before he was released.
	And so, so umm, kind of sounds like
	He owed
	Like he was moving around drugs for him.

	Five hundred dollars to the guy because it burst inside.
AY:	He O-D'd unintell
	Okay but he got out of it.
AY:	Okay.
	And then, he told me that the guy told him, when you leave here, take care of the matter. Ah give the money to you know his because he owed him five hundred and he would hate for something to happen to him out in the streets.
AY:	Oh so they were charging him for what, what bursted in his stomach.
	Yes, yes.
AY:	He was being blamed.
	And I felt that he was on, on big you know pressured.
	Umm I actually got a question like, it sounds like this is a little bit more serious than, than I think we, you know kind of thought. What, what is it that, that you guys are investigating? I know and we never really got the chance to
	Yeah.
AY:	Were investigating the attempted robbery okay and
	But how could
	Hold on, hold on, let him talk.
	They didn't find anything on him.
AY:	No ma'am no.
	How could he attempt robbery?
	Hold on.
	Oh okay.
AY:	We're reviewing the attempted robbery and ah we're also following up on the death investigation. That's what we're doing
	Oh on his death investigation.

AY:	On his death investigation.
	Okay.
AY:	So between
	Yeah that's kind of weird.
AY:	So between that whole thing, we have to look at everything. We have to look at all the reports. We have to ah
	I can, I can tell you umm like said, he owed somebody some money. This is what he, what he had told me a little bit. He said he was gonna, he was gonna hustle so ah, I think he was buying dope. Umm he got a check while he was in jail umm that said gave him when he got out so he can cash it so he can get some
	Which he did.
	Necessities you know which he did but I think he probably spent it on dope to sell, make some more money.
	And to pay the guy off.
	To pay the, to pay these people that he owes.
	That, that.
	You know, cause he said that they were out to get him. I don't know who it is, you know I don't, that's not my, I never asked you know. I never asked questions umm but I think he was trying to make this money to, to pay these people off so they won't whack him and they threatened you know his family.
	He was being pressured.
AY:	I'm sure that's, that's usually their, style there.
	Mmm hmm.
AY:	They threaten everybody. So were, were back on Friday ma'am. So what, what happens after that on Friday? So, what Friday morning he's home?
	Umm
AY:	Cause when he got back from having supper, dinner with this lady.
	Mmm hmm, mmm hmm.

AY: He gets back home and again he complains about the

	Yes.
AY:	So he goes to bed, doesn't go back out?
	Ah no, no.
AY:	So now were at Friday morning. Walk me through Friday please.
	Friday morning oh
AY:	If you remember.
	Oh it's kind of hard. Ahh
AY:	Were almost done.
	He, he
AY:	I know, I understand, take your time.
	He gets, he leaves the ah house ah
AY:	Early?
	Early not seven o'clock, six o'clock, no. Oh no, about ten thirty or so.
AY:	Ten thirty or so?
	Mmm hmm.
AY:	By himself?
	Yes.
AY:	Cause he took your phone with him ma'am.
	A coup a couple of times he used it but then ah, the last time that he talked to me was on, I know it was on the pay phone twice.
AY:	Okay so he calls you from the pay phone twice.
	Ah.
AY:	So this is on Friday?
	Yes.

AY:	What time do you think he called you?
	About nine twenty.
AY:	And what was that conversation like?
	Ah he asked me to get those papers ah that I had on the entertainment center and to look at each one cause he want, he couldn't quite remember the number to the P-O.
AY:	Oh okay.
	He wanted to talk to the P, P-O.
AY:	Okay.
	I said, Manuel I don't see it and that oh I'm gonna hang up and see if I can remember. A couple of minutes later, he calls me asks me, did you find it? I said, no, cause he had ah application for cause he wanted to get that driver's license.
AY:	Mmm hmm.
	Ah he had a paper of the people, I think it, cause it said the times to check in. Okay ah, that's about it.
AY:	Okay and then, when do you see him again?
	Ah that, that was it.
AY:	Oh you didn't see him again after that? He didn't return home Friday night?
	Oh.
	That's Saturday. She, she, I think she jumped a little bit.
	Yeah.
	That happened all Saturday morning. What happened on Friday though?
	Ah that was it. He, he, oh he did come home but then he left again and he came home real late.
	So this is his regiment like he, he, he's the kind of guy that he comes home about twelve o'clock ish, sometimes one you know in the morning hours.
	Yeah.
	Sleeps, wakes up probably eight o'clock, showers, out of the house by ten, then he's you know

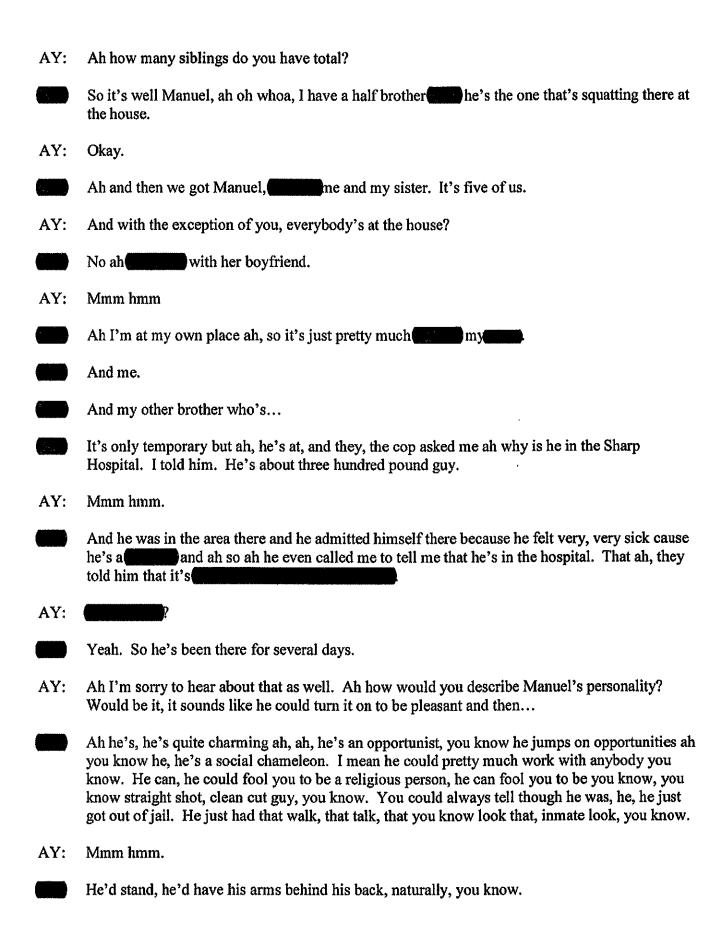
	what I'm doing, la da da you know around six, maybe ten o'clock and then you hear him at the door again at one o'clock in the morning, repeat. It seems to be his, his regiment umm but
AY:	So, so Saturday as far as you know, is, is ah, shared with you, what do you know happened Saturday? Saturday morning?
	I, I didn't talk to him on Saturday umm said that
	Well he left.
	You know he came in
AY:	What time?
	Well he came in that, that Saturday or that Friday night really late. He woke up probably would you say about eight or nine? Showered.
	Around there.
	Probably had a cup of coffee, made a phone call or two just to say like hey what's
	Oh he did have a cup.
	What's going on, this cause I, I just know he's a creature of habit, you know. He calls people hey what's going on, you know he's real discrete about it. He'll have a cigarette or two and then book about like ten o'clock you know and then like I said
AY:	Starts the whole thing
	He's gone.
	Mmm hmm.
	Gone all day.
AY:	So, so ah on, on Saturday, did he make some phone calls on Saturday ma'am?
	Ahhh, I'm not, I don't quite sure remember that but ah, I know he was writing to someone. I don't think he finished it.
AY:	Okay.
	Then ah when he left ah I had to go to the store and all that and ah I came home. I put my groceries away and ah, ah I sat down in the recliner and my son who was about to leave because he had to go somewhere and he opened the door and a bunch of people, cops, and ah they said, the guy said well ah, you know Mrs.

missing in action the whole day. He call, he checks in, he calls the calls the checks in the calls the calls the checks in the calls the checks in the calls the checks in the calls the checks in the calls the checks in the calls the checks in the calls the checks in the calls the checks in the call the checks in the call the checks in the che

	cause we can go in but if ah you give us permission, we'll do as quickly as possible and that if you can sign here. So I signed, I said it's okay, don't
	And more than willing to let them, you know, when we very cooperative but if kind of felt threatened by, by the, the people that came to home and you know for, for for them to come first of all to tell her that
	Embarrassing.
	is you know in the hospital and this is you know what's going on.
ww:	It's overwhelming.
	It is very overwhelming and I think that really, cause she called me up screaming and you know crying and I, I, I was hurt by the fact that they just came into her, I mean drop that news on her then said hey we need to come in here or you know we're gonna be back, you know. She, she's more than willing to and I understand your guys' you know where, where you guys are coming from.
ww:	I think, I think at times we get so immune to it because we deal with stuff like this
	Right.
	Mmm hmm.
ww:	And you probably see it at the hospital and
	Yeah.
ww:	You know, it's, it's normal to see certain things and we, we just sometimes we as a, as a group forget that we're dealing with folks and
	Different folks.
ww:	And yeah and it's
	And you guys get a lot of people that are not cooperative, you know that, no, no, you come back you know and more than willing to, not gonna hide anything from you guys.
	No, I, this is so weird.
	She's, the been known to, to call and call, call the police on so she.
	I did, I turned him in.
	She's turned him in.

WW: We've actually found a couple calls where you did.

	So I mean she's not one to hide him so she's very cooperative.
	Mmm hmm.
ww:	Mmm hmm.
	And I've told a cop in the past that was looking for him. I told him exactly where he could find him.
ww:	Some times that's a, what it takes to protect your boy.
	Ah it was ah, no I was told ah
AY:	Your was very was very the land of the lan
	Yeah.
AY:	And so they wanted to see the area where he slept, the area he kept the belongings.
	They took pictures of a lot of things, it, they needed to do that.
AY:	I understand, by what I understand like you said, by both of you admit, he'd only been there three days so
	Today's not much.
	Not much.
AY:	All right, so they shouldn't of turned anything over, I don't think they did.
	She said they left him, you, they left a mess there in the home.
	Hmmm.
	You said they turned some things over and pulled some stuff out.
	Yeah but ah, I, it was in the living room. They were wondering ah, that the, what's was those things ah leaning against the wall where the, ah living room window is at.
AY:	Oh okay.
	I said that stuff belongs to my who's staying just temporarily until he gets a place and right now he's at the Sharp Hospital. He's gonna be discharged in about one to two days from now.
	This is another brother, he was kicked out of his house so he's kind of been just squatting there



AY:	Naturally.
	Umm.
AY:	Did he have a girlfriend?
	Umm I wouldn't say girlfriends; he's a good looking guy ah, probably messed around with a lot of girls right here in
	Yeah.
	National City umm, bunch of, I would say no girlfriend, I would say casual partners umm
	He ah, don't go looking for women but the women comes to him.
	And the unintell had drugs.
	And he likes to date a, a few older ones.
AY:	Mmm hmm.
	A lot of women that I had seen him with you know, prior to him coming out of jail this last time, you know a lot of the older women you see around here in National City, hanging out on 8 <sup>th</sup> Street kind of, looking for dope you know, it was that, that, that group of women. I, I'm pretty sure you guys have all seen them all out here. And I see them all the time you know cause I, I drive the city all the time, come to see my mom.
AY:	Mmm hmm.
	And I, you know I, I visually look at everything around me and I see these people I'm like dang you know. And I, sometimes I worry that, that was going to be my you know. If he didn't have a place to stay, that would have been him, you know.
AY:	And is there any, what, what, and we talked about drugs, what drugs do you know that he used?
	Umm he's ah, he's used heroin. Ah methamphetamine, marijuana, ah you know I've never seen him or heard him talk about coke. I actually never seen him do any of these. Umm never seen him do any of the drugs. He's actually really respectful with about doing drugs at the home.
	Or on the
	Umm but I could smell it, whether it'd be marijuana or I could tell you know by the way he's acting.
AY:	Unintell

Yeah. Umm but I think umm heroin, and he would, he would umm and the meth.

AY: Did he over on heroin? Ah I think no, just methamphetamine. AY: It was only, just meth. Mmm hmm ah he told me ah that ah, he has done that it's called speed ball. AY: Speed ball? Ah huh. AY: Did he tell you what was in the speed ball? No, no. AY: When, when did he last do that that he told you? Mmm he, he didn't tell me everything, he just told me that ah, speedball. AY: Did he say when? No. AY: When did he tell you this? Ah recently when ah, shortly after he got home from being released. AY: Okay so he told you, had done a speed ball that day or he just, that he, that he just done one? I'm assuming he probably did one around that day because he just got out so if he told her that he just did one recently, it had to be within maybe 48 hours of his release. AY: Hmm do you know what's in a speedball? I don't know what's a speedball. What worries me... Ah it could be like a mixture of narcotics. It sounds it would probably be some type of maybe coke and meth. What worries me is this whole thing umm, it, it's ah, I, I just can't believe it that it happened. I mean it, but what worries me is that thing that he swallowed in, not too long, I guess ah, a day or two before.

AY:

Oh, oh, in prison.

	In prison.
	No, no, that, that actually happened months ago.
AY:	Oh.
	He got thrown in the hole for that.
AY:	Oh so he did time
	Oh.
	Yeah he, that's, that's prior to him getting thrown in the whole. That's the reason why he got thrown in a hole so that, that is, that is irrelevant toward kind of what this is about. I, I could see how that would fit, fits into his purpose on wanting to you know rob and sell drugs.
WW:	Make the quick money yeah.
	To make the money to pay the people off.
	Yeah because of that he, I felt that he's was pressured.
AY:	Okay.
	And I always told him you know and he's like, I'll lend you money but just, just you know
AY:	Did he have a job?
	Him?
AY:	Yeah.
	Yeah he, he actually worked at L-A Fitness for a little bit before he went into jail this last time. He was like a nutritional counselor. I mean he's a pretty big guy, I don't know if you guys have like his, his stats but you know he, in jail that's all you get to do is push ups, pull ups, sit ups and so, I, he was a nutritional counselor at L-A Fitness for a little bit and then yeah I think, I think he got let go because just not showing up.
AY:	Sure, sure. What, how early, how far back do you guys remember him having some type of medical condition like the stuff? We're not talking drugs here, were, how far back can you guys remember, jog your memory back.
	Oh about seven years that, cause where I live, I've been there for about six years and where I use to live it was on Fourth. At that time, ah he complained a little bit about his
AY:	Nothing to
	Nothing like blood in the, ah how do you say it?

AY:	
	I would, I would say about like four years ago, he had told me that I was in school and he was like oh, umm you know I'm he goes, what can I do, he goes or you know one day he had umm, he had in the you know.
AY:	Mmm hmm.
	And ah, I gave him some ah samples of like and ah generic, you know.
AY:	Sure.
	Just to help him with his, with his thing but you know I, I would say about like four years ago, h actually started telling me about like his, you know, him having weren't working too good.
	And also he told me that ah, on the phone when he was incarcerated that ah, he has
AY:	
	I said no Manuel, no for real's? Yes He must of got it from using needles in there.
AY:	That's quite possible.
	Because there's a lot of things going on in back of the
	There's a lot of jail tattoos.
	Ah huh, the newest
	All his tattoos have been done in prison so
	The newest is on his right leg.
	I remember when he told me he, he had he said he, he thinks he got it from
ww:	An hour twenty.
	Tattoos in jail.
	Now he had a lot of them. And he got it from having that done inside.
AY:	Okay.

I know that.

	But you know, it could have been from sharing needles out here too so
	Manuel.
	Unintell
AY:	Do you want to go into the ah, contacts?
ww:	Yeah. The one thing I like to ask you on your call log, it's actually been deleted. Do you only have the, do you only have two calls in there. Do you know who deleted it?
	Oh ah my son I told him ah well, just save those two and delete it. I didn't know.
ww:	No, no, no that's fine. I just didn't know if I was doing something wrong.
	Umm.
	No, no.
	She, she's been on her phone all, all, all day, I don't know.
ww:	The, the biggest thing were trying to figure out is, were trying to get a timeline on who he was with.
	Oh.
ww:	Obviously when he wasn't home with you guys, who he was with during those couple of days so we can interview them also.
	Mmm hmm.
ww:	So we can figure out what happened here.
AY:	We probably know how he ended there unintell
	Well, that is like his spot. Like was it over here at the 24 <sup>th</sup> Street
ww:	Mmm hmm.
AY:	Yeah.
ww:	Yeah.
	That's like his spot. That's like a main area where a lot of these, I mean it's a trolley station.
ww:	Mmm hmm.

You between 8th Street and you know Palomar, you know, you know Main, and that was like... WW: His little hub? Yeah you know he use to go down into Encanto as well you know. I, I even picked him up over there off of what is this? 61st and unintell-- I don't know what the trolley station is out there, it's like 61st Street. AY: I believe so, I'm not too, I'm not too familiar. WW: Yeah I know what you're talking about Imperial. Yeah right around there. I know he had some affiliations out that way, real sketchy. I picked him up there you know before, not recently, before him all loaded so umm that was his way is just traveling, it's that trolley station. So he could have been, he could have been at any trolley station. Well with Manuel, I really feel that, that ah since he was pressured, that led to what happened. He was like I guess desperate. WW: Are, are the, the numbers in your phone, all they all yours or some are or are some are his, his? Like you have Oh that's one of Manuel's friends. WW: Manuel's friends? Mmm hmm. WW: That's me. WW: Okay, Umm one of Manuel's friends, a lady. I, I think that's like an ex, what is that like an ex-girlfriend or... A friend no, a friend. WW: Is that something he put in recently in your phone though? Ah yeah, WW: Within the three or four days he was out?

Ah hah.

WW: Okay, employer. Hmmm, I didn't know that he put that in. WW: that's one of the friends. WW: Umm Oh that's my cousin. She called me. WW: She's family. Yeah. WW: is you. She's my cousin WW: Primo It's family. Family. WW: Family? Mmm hmm. who obviously be your son. Yes. WW: And That's a friend of Manuel's. WW: Of Manuel's? Mmm hmm. WW: Okay. Umm... You got some...

WW: So that's, they give me something to do, I mean that's a big thing is you, you know we're

worried about as big of a loss as you guys are trying to figure out what's going on as well. Yeah. WW: Ah and we want to be able to, to give you guys the answers that you guys deserve. Yeah he was... Yeah because... Very secretive so I mean, its, its hard you know, just trying to figure it out. I really feel that since Manuel was pressured ah, that ah, that led to what happened. AY: Oh to the, what started? Ah huh. WW: Who, who's WW: Yes. Ahhhh Manuel ah, ah went around with her. WW: Girlfriend? Ahhh. Not the girlfriend. Casual. Good, you know friend. AY: Was she around often? You know not, not recently. Maybe before he was recently incarcerated. Mmm hmm. But I, I think she just probably did drugs with him. AY: Do you think she visited him in jail? No.

	Ah I unintell so.
	She's like, she's like
	I don't know when Manuel was in downtown, San Diego.
ww:	Would it surprise you if I told you she, she visited him in jail?
	Ah probably.
	When he was
	She visited him in jail?
ww:	Mmm hmm.
	Oh unintell huh?
ww:	Laughs
	Well I think that she did visit him once in the downtown county jail.
ww:	Okay.
	Cause he had told me like hey you know, she was just like a little
ww:	Somebody to hang out.
	Yeah.
ww:	Good time.
	Yeah guess she might have, had a little thing for him more than the other way around.
	But she was ah fooling around with him and fooling around with some other guy at the same time.
	Okay, how about a gal named and a second or the second or
	Friends of Manuel.
WW:	Friend?
	Ah huh, I know that.
AY:	Same as the other girl?
	Yes, friend.

AY:	Okay.
ww:	Okay.
	A lot of his, he like affiliates were women, I don't know how
ww:	How about that even
	Oh a friend.
ww:	Okay cause I'm, I go back to his in-custody people that visit him and second she was his wife. Oh is she an older gal?
	Oh is that the state of the sta
ww:	There's a unintell
	Oh
ww:	No it's
	Oh I think that's see that the You know what, he never got married.
	They never got married.
	He never
ww:	Was she older, like she's
	About
ww:	Maybe twenty years older than he was?
	Oh shit no.
ww:	This gal
	There's one lady.
	This woman I came up with was born in the state of the st
AY:	And she said she was his wife.
ww:	She's visiting him in jail and there's a little one with her.
	(Phone ringing) Sorry.

ww:	There's a little one with her saying child. Does he have a kid?
	Ahhh that kid is about and and he's been adopted.
ww:	Ahhh, this one, this is a gal named ah
	No he never got married because I would have found out.
AY:	Let me show you.
ww:	Yeah but like unintell cause he and I are about the same age.
	Yeah.
ww:	So right here you have wife and you have daughter. See the names?
	Now is that just something that they put, is that like legitimate background?
ww:	They would actually, they would actually have to have physically write that so when you go to the jail log.
	Yeah.
ww:	You come visit, you're gonna put
	Mmm hmm.
ww:	Brother. Umm let me show you.
	Ah but that, that's not, I mean that's what she had written, right?
ww:	Yeah, so that's that's.
	It doesn't mean it's legit
ww:	It doesn't mean it's straight, no. No, no. no.
	Okay.
ww:	I'm just going off of like ah has, has girlfriend. The has friend. Do you know?
	Ah there, that has to be Manuel's friend.
ww:	Okay. How about ah

Also  WW: A friend?  A friend.  WW:  A friend. Those are friends.  I didn't know he had that many visitors.  WW:  I'm wondering if those, a lot of those people visited him  WW: This goes all the way back from twelve all the way back to 2002.  Ho, wow.  WW: So you see, I mean you have umm  with says sister.  So that just a show you.  Yeah I think a lot of these people  That far back I don't know.  Visit him to talk to other people.  WW:  Me.  WW: So you went to jail, you have  I visit to him.  WW: Back in 2003?  Quite, quite a bit, yeah.  WW: Okay.  Mmm hmm.		
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WW: Okay.	ww:	Back in 2003?
		Quite, quite a bit, yeah.
Mmm hmm.	ww:	Okay.
		Mmm hmm.

You know I, I think that's what they use to do too...

ww:	Yeah.
	Cause I, I remember him, him saying something like that. Hey I'm ah, I use to have like, like a friend here come through and what they do is that they relay messages for other cell-ees, you know.
ww:	You mentioned was a second sec
	Oh.
ww:	Why would you mention her?
	Because
ww:	We still have an hour, an hour and ten right there.
AY:	Okay.
	She had his kid. He's about I guess now. He's been adopted.
ww:	Is the same as the same as
	Ah she use to use her mom's name and her mom is no longer living.
ww:	Okay.
	She was another, she was ah
	Ah, ah
	She was a drug-ee and she, she actually had a
	Also.
AY:	Okay.
ww:	friend.
	I've been trying to find out where is the state of the st
ww:	See that name, were seed?
	To let her know

I saw that.

ww:	Funny sister is?
	You know to let her know that Manuel passed away. They stayed friends.
	Do, do you guys know a lot of these people that, that
ww:	Yeah.
	That he has seen here in the city, huh.
ww:	I grew up here. He grew up here so
	Yeah.
	Mmm hmm.
ww:	We, we know a lot of the folks.
	Yeah. Huh.
ww:	So, so this gal is not his wife and not his daughter.
	No.
	No.
ww:	But the fact is she felt, that the, she felt good enough to put on there might not be a bad person for us to, to contact.
	Yeah.
ww:	Umm would it surprise you if I said was in custody right now meaning she's that type of person.
	Oh it wouldn't surprise me.
ww:	Not even, not even a little bit?
	Mmm mmm.
	Hmm.
ww:	Maybe, okay.
	She, you know the last time I seen her, she was, you know she was loaded.

Oh she didn't look good? Didn't look healthy?

AY:

	Little ass shorts, about a hundred and ten pounds.
ww:	Sucked up?
	Yeah, sucked up.
ww:	Okay.
	When Manuel was going to ah, ah, when Manuel was in custody and that he had court in Chula Vista.
AY:	Mmm hmm.
	This last time, she went to ah, ah to ah go, go, she went to court to ah see him.
AY:	Okay.
ww:	She, she was actually at the house back in January when you called the police.
	Yes.
ww:	When he threatened you, correct and
	Yes.
ww:	And she was, she was a witness in that case, right?
	Well when ah
ww:	Well she was there.
AY:	She was there.
	The cops, when the cops were talking to Manuel and my, my other son, she was in the room, the door was that much opened and she didn't come out but she did hear everything.
ww:	Okay, well she was at the house?
	Yes she, well sleeping with him
ww:	Got cha.
	And he was very, very sick with a high fever.
	I think it was a sinus infection.
	But yet he did not go to the hospital.

ww:	Was he acting differently at that time?
	He was just sleeping most of the time because he just felt too sick to do anything.
WW:	Hey you mean, on this case when I'm looking it up, he threatened you guys, right? Was he, at times did he just kind of, did he just kind of become aggressive and not, not Manuel?
	Ah well, he just got fed up. He heard the, me being upset
	Most likely.
	And his, and his brother
WW:	Well then this might go to, this might go to what you're saying though of the and the way he's acting.
	Yes.
WW:	I mean it
	My son
ww:	Is it, is it out of the norm for him to get so out of, out of the norm, not just not being Manuel where he's
	No.
ww:	Not somebody would recognize the, the way he's behaving. Is that normal?
	Since, it almost seemed normal for him you know but he just, even bef years ago he would just blow up.
AY:	Because you think, you think, you'd say, you guys, it's almost like being immune to it cause you're so use to him?
	Yeah we kind of just
ww:	I mean when did
	Put it on the back burner his manner, like get in his face, you know.
ww:	Is, it was like that where one day he's Manuel my big brother.
	Yeah.

WW: And the next day he's like man, I don't know that guy. Is it, was it...

Yeah it was kind of like there, where he was like really quiet and then you were like where is he and you know. AY: Mmm hmm. He was gone. WW: You ever seen him talk to himself or anything? No I never seen him talk to himself umm except for the times he was like on drugs or something but other... WW: Well explain that to me. Umm you know, it's ah like one time I picked him up at a trolley station like I told you guys out, out there in Encanto. AY: Sure. Umm he was like, the police are looking for me or, or he's no, no, people are looking for me. He goes ah we need to go, we need to go. I'm like dude, I picked him up like at eleven o'clock, he didn't have any cash, I didn't want him walking in that area just because unintell---WW: You're trying to be the big brother. I'm trying yeah, I'm trying to just like, he wanted to go home so I was going to take him home because he's like, I just want to sleep, I'm tired you know. I, I don't want to be walking around the streets cause people around here know me. Can you do me a favor so that you know I, I'll come pick you up. WW: Was, was he animated though? Was he over the top? Yeah he was a little over the top umm, when I picked him up, you know pupils were like this big, you know just... WW: Was he looking around? Yeah he was looking around and then he was like, yeah these dudes were looking for me and then all of a sudden he says, is that a cop, is that a cop. I'm like dude you're messed up. WW: And this is just while he's in the truck with you just... Yeah.

Right, he, he was talking to me but then there were times he was like man, (whispering) I can't

WW: Was he, and was the conversation with you or was he talking to himself?

believe that I can't... you know and I don't know if he was talking to me and I'm looking over at him, I'm like dude just shut, you know just shut up dude, just...

Hmm.

WW: (Laughs) Yeah.

Let me get you home so I get him home and then I, I drive him to my mom's house because he told me he wanted to sleep. That was the main reason why he wanted to get a ride. And so you know I was, I noticed dude don't wake me up at one o'clock in the morning you know for you know bull shit so umm, I wanted to give him a ride so he didn't have to be at that side of town.

WW: That's the right thing to do.

Umm, so I, I drop him off and then I called the house cause for some reason I felt like he was gonna ditch, he just wanted to ride back into town. I called, I called the house and my other brother answered he goes, I say, where's Manuel and he goes oh he just left. I'm like...

WW: And when was this?

Oh this was, this was probably like a year and a half ago before his last. I mean he was only out for a couple of days so...

AY: Mmm hmm.

WW: Yeah.

AY: Yeah.

No they didn't meet up with him.

WW: And is, is that the only time you ever seen him act that way?

Ah yeah and another time I had picked him up, you know I was his personal chauffer because, just because he felt like, you know, and I, I...

WW: Cause he comes you're, cause you're a good guy.

I didn't yeah, I didn't want my brother walking the streets.

WW: Mmm hmm.

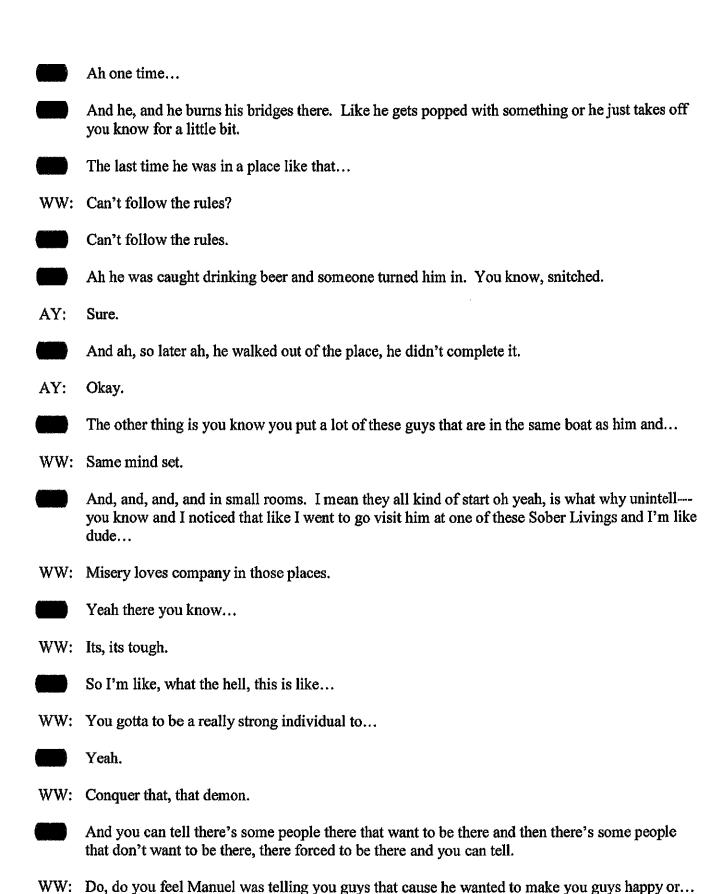
Just because, I don't know.

WW: Cause it's the right thing to do man.

Yeah.

WW: I mean don't beat yourself up over that one. And so I picked him up one time over here on 8th Street. He liked that spot too. He liked 8th Street, around the Jack in the Box. There's a lot of homeless around there, a lot of, a lot of traffic. AY: Mmm hmm. Umm I picked him up over there and he was real paranoid, you know. WW: Describe it to me man. I'm trying to, I'm trying to get a feel for Manuel. Umm he was a very paranoid guy, over anxious. He seems like his anxiety was his roof. Umm I don't know if he was, he was messed up but he was very paranoid. I'm just like, people are looking for him. He was like that guy like, people are looking for him. He never always, he never really said cops were looking for him, he said people so I don't know if he did people wrong and he was just running from him all the time and he was just on the run but... WW: The other question I had is just to kind of follow up what Tony was talking to you guys about with the narcotics. I mean, it seems like telling he's doing speedball and he's talked to you about doing meth and heroin and weed, was he just kind of open about discussing like, like his use or did you guys kind of had to pry it out of him or... No there was, sometimes he just sits down and, and he tells me a little bit. He was very honest with my mom because my mom... WW: Did he recognize he had a problem with narcotics and... Yeah. Yeah. And he always wanted help. He even asked me at work you know hey do you know where I could go and I think generally he wanted help. Yes cause he was ah, desperate to get into Sober Living. If they would of called him at least two days later, he would be alive. But you know the thing is, he burned bridges there like he's been in several... WW: Mmm hmm. You know Sober Livings and... AY: Oh he has been in Sober Living before?

Yeah.



Cause I have a cousin in the same boat and I know she, she tells the family I'm gonna do this, I wanna do this and she has that same problem. She gets there for one, two days and she, she dips

or she does something goofy. Do you feel he was telling you guys that cause he wanted you guys to feel good or do you really in your heart so heart believe that Manuel wanted help and he wanted to get off the narcotics?

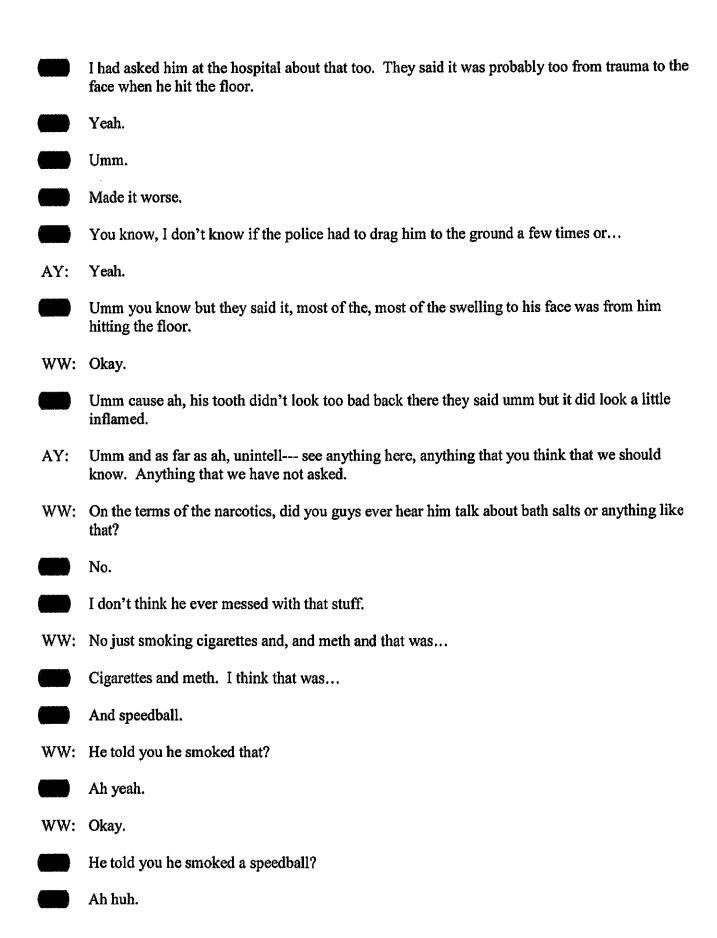
At times he, I, I think he wanted to get off of it. He was just too, too, too deep into it. Not only, not only the, the narcotics, it was the lifestyle. WW: The girls. The girls. Yeah. The women, these women like, I think that was his huge, the biggest thing was women. You know, when you're in jail for so long you know, you come out and these women are like throwing themselves at you but their loaded. WW: They wanna get high, just with you. Yeah so I, you know and that was his biggest thing is, I mean he was always after ladies. I think that was his biggest, one of his biggest and money. You know he didn't and he didn't want to work for it. He didn't want to work hard for it and I always told him that, you gotta work at fuck'en Taco Bell for a little bit you know before you can... Mmm hmm. He always wanted a car and he always wanted you know and he would get enough money to buy one but not the right way, you know. AY: Sure. And I think that's what it was, it was the money, it was the women and it, it was, it was just that. WW: He wanted that gangster lifestyle. Right. Unintell---So he, he wanted to hustle because he knew he could hustle and get that. WW: And he's obviously good at it. I mean he knew enough people to be good at it. Mmm hmm.

When, well Manuel, when he's not on drugs, he's such a sweet person.

WW: Well he just...

	He hugs me.
ww:	He talked to and he talked to you, and you guys are a good family. I mean I could only imagine when he's actually your boy Manuel, what he's like.
	He's such a sweet person but the moment he does that stuff
AY:	Right.
	There's another Manuel.
	He had no preference on drugs, I'm pretty sure he took anything he could get his hands on.
	Then ah, like the next day in the morning, he wakes up like, like nothing.
AY:	Now ah, speaking about waking up in the morning, did you ever know that or noticed that he, he was experiencing nightmares?
	That no.
AY:	At any time, not just this last time?
	Ahhh I know he tends to
AY:	Oh, was he?
	Yeah I remember hearing he, he would say he would
	Mmm hmm.
	I you know, I think there was a lot of problems that went undiagnosed kind ah. I you know I honestly
	He never did unintell
	I honestly think he, I thought he was you know maybe maybe maybe
AY:	Mmm hmm.
	Maybe something in there. I mean there's, there's history and
ww:	When you incorporate the narcotics on that
	On top of that and it just
ΑY	Unintell

	Mmm hmm.
ww:	And then, then you have the, you know, if your liver and your, your kidneys aren't processing that stuff, well what, what kind of ah is that going to bring?
	I think was always in pain too you know and, and whether
	Mmm hmm, that's for sure
	Whether, whether it be withdraws or just physical pain from
AY:	Sure.
	The aftermath of, after effects of drug use and he always had stuff wrong with like his teeth, you know.
ww:	What, where was that cause I noticed he had like some swelling to his cheek. What was that about?
	I think his wisdom tooth was coming and he said
	He was complaining about that.
	He was, it looked swollen huh?
	Yes.
AY:	The other side.
ww:	The right, the right side, correct?
	The right, yeah. He was complaining.
AY:	So that was from a wisdom tooth that was coming out?
	He said a wisdom tooth was coming out and it was really hurting him.
ww:	Did you, I mean did you, I know when the, when I saw him when he was in the hospital, it was good and swollen and it was, it was looked like maybe something was going on with his teeth, his
	Yes in the back.
ww:	Yeah, it was right back here where this little jaw bone thingy's at, right?
	Yeah.
	Cause he even went like this man look look. And I looked and sh



	Hmmm.
AY:	He's out on Wednesday, so he's out Wednesday, it's not Wednesday?
	Ahhhh no.
AY:	Was it the following day when he went out to dinner?
	Ahhh, he told me in the evening but ah
	On what day?
	I don't remember.
AY:	So it would have to have been Thursday or Friday?
	Yeah.
	Mmm hmm.
	Oh I saw him Wednesday night.
ww:	And that's when he said he wasn't feeling good?
	He got out on Tuesday, right?
	The 26 <sup>th</sup> .
ww:	I think he got out, no he said on the Wednesday.
	No, 26 <sup>th</sup> didn't he unintell
	I saw him on Wednesday.
ww:	That's when he got out I think, right?
	No I think he was out the night before.
	No the 26 <sup>th</sup> .
AY:	He was out on the 26 <sup>th</sup> ?
	Yes.
۸٧٠	Okay

Do you know what day that was ma'am?

AY:

	Because he told that's the day that they're gonna release him.
ww:	And then you said on Wednesday
	Because I was supposed to pick him up.
ww:	The were hurting.
	Right.
ww:	And he didn't want to come, he didn't want, he wanted to spend time with your daughter but at that time he wasn't feeling good, up to it.
	Yeah, yeah.
ww:	And then, so now we had the next day which would have been Thursday, Friday. Is it fair to say that's when he talked to you about smoking the speedball or doing the speedball was Thursday night, Friday night?
	Mmm hmm.
	I guess about there.
ww:	Okay.
	Yeah. I mean it's such a small window. It has to be within that or
AY:	Okay well, as far as our side, our investigation is ongoing and ah, for your brother umm, as far a the investi ah for the, the unintell is ongoing so to protect the interest of your brother, to protect the interest for our department, and to protect the interest of everybody involved, there's a lot of confidentiality involved in here.
	Ohh.
AY:	Okay ah, we will be transparent when the time is right.
	Mmm hmm.
AY:	Okay, you guys do have what you told me, you have a pretty accurate description of what happened although it is not a hundred percent.
	Mmm well.
AY:	That's what I can tell you.
	We're trying.
AY:	Okay? It's not a hundred percent.

	What, what can you guys tell us? I mean, you know cause I, for my mom's piece of mind, you know just what happened that night, you know.
	That's, I'm really unintell
	You guys don't have to get into like super detailed but you know, my mom wants to know whether or not he was you know, in pain or was he hurt at the time of the arrest. Well the time he was picked up and taken to the trauma.
AY:	See that's, since you don't have those details, I can't right now
	Hmm.
AY:	Disclose that to you.
	Hmmmm.
AY:	Okay but as far as where it started and where it ended, you have that right.
	Right.
AY:	Okay and that he was transported to UCSD ah Medical Center.
	Mmm hmm.
AY:	That is very accurate.
	Also
	And, and at trauma, they didn't have any of his belongings. They said that
ww:	We, we collected his clothing and
	You guys collected that?
	Everything?
AY:	Evidence.
ww:	Ah he had a tank top.
	Yes.
WW:	Some jeans and some shoes.
	Ah Tim Timberlands.

WW: Yes ma'am, some brown boots? AY: Brown boots, oh we have those. Yes. WW: Yes ma'am. His wallet and the earring, I want ah the department to release it to me. WW: I don't know, well right now, whatever we have impounded, we can't give you because of the investigation. Oh. WW: Once, once this is all said and done ma'am, well Detective Ybarra will get with you and, and... We're gonna stay in contact, all right. I'm gonna give you my cell phone as well. AY: Please when... WW: Yes ma'am. Everything is over. WW: Yes ma'am. I would like all of... WW: Yes ma'am. His belongings, his wallet and the earring. Well all of his belongings... AY: Yes. To be released to me. Umm for, but I, they told me I needed his license or his identification card for insurance purposes. I can, I can get you a copy of his ah... AY: Okay copy. AY: Yeah I'll get you a copy.

Okay, do you know if he had his...

WW: Unintell--- I don't know, the wallet was there. AY: No it, it was there. WW: Okay. Yeah that I, I spoke with the, one of the ladies. She said the wallet was... AY: Yeah, oh no, I'll get you a copy so you'll get the number and everything. Yeah umm just, just because of for insurances and ah for burial stuff and... WW: Mmm hmm. AY: I'll get, I'll get that for you. That's what we're working on. WW: Yes ma'am. Yeah unintell---AY: You know if I can just write my, my cell, I'll give you my cell phone number so, at any time you have any questions and I know right now... I can call you, right? AY: Yes ma'am. Call me direct, don't, don't go through the... Oh okay. Yeah ah... WW: That's it. Oh. WW: Here you go. Yeah they didn't, they didn't know much there at the hospital. No. But what the officers told her.

WW: And the reason we do that is like Detective Ybarra says is to mainly protect your interest, our interest, and to get to the bottom of it. Umm...

	This, this is very strange, all this.
	I kind of, I kind of put the story together in my head, I just don't know
ww:	You're on the right track.
	Yeah.
ww:	You're on the right track.
	I you know, I, I, from what I hear I, yeah I think he tried to hold up the deli or tried to rob them, they chased him out or there was a fight there maybe with the attendant. They tried to chase him out. There, they called the cops, the cops got there fast enough, he tried to ditch, you know, they got him.
	Hmm.
	They took him down. This is kind of what I hear. They, they were and
ww:	Like, like Tony said man, you have a whole bunch of it going.
	Hmm.
	Hmm.
ww:	Ah there's a couple of pieces that we just can't tell you because
	All right.
ww:	We can't provide that information.
	Oh, oh that you
ww:	But you, you're, you're pretty darn close.
AY:	And ah, and as time comes and this information becomes where I can release this, some of the stuff to you, I'll make sure, I mean
	Please I would like to know.
AY:	In the end, you will know what happened.
	Yeah because
AY:	I can, I can guarantee you that, and we can give you our word that in the end, when this is all clear, when this is all settled

	•
	Roughly do you know like how long this investigation, I mean did, I mean it's kind of hard to tell but you know he's already deceased and I mean you guys have your parts to take care of but
AY:	Yeah we, we'll probably have the bulk of it done in about three weeks.
	Hmm.
AY:	Okay but, that's still, that's still not the end I, there's still gonna be a lot more, a lot of other steps above our control, okay? So once it's all settled, once it's final, once stuff starts coming out cause there gonna, some of, some of this stuff is going to be public, it's public record.
	Hmm.
AY:	Some of it ah and as this thing comes by we'll be able to ah you know, again show transparency and tell you exactly what's accurate, what isn't and in the end, I can assure you that you'll find out what happened.
	Okay.
AY:	Okay?
	Not that I'm gonna be wondering.
AY:	It's not going to be a mystery guys.
	Yeah.
AY:	It's not going to be a mystery.
	No.
AY:	Okay.
	All right.
	But umm
AY:	So let me
ww:	Do you, do you
	Do you have any questions, more questions?
ww:	No, do you guys have anything that you guys want to ask other than obviously what you just did to ah unintell
	Ah well, if I remember anything, I will call you.

WW: Please. AY: Please WW: Please, please. I will call you. AY: Or if anybody calls you. Oh okay. AY: Looking for him. WW: Cause ah, I'm tasked right now with tracking down the last three days and of, of... Mmm hmm. WW: From the time he got out till the time that he was arrested. I mean a lot, a lot of his contacts that you have, I would, he knew a lot of drug people so, no, no, no the.... Oh the front? AY: WW: Oh. Some of those... and all those folks? WW: Yeah, he knew a lot of people that... WW: Well she's... That pushed a lot of drugs around here. WW: She'd probably be the first person I go find to talk to so, but like, like Tony says, if you get a phone call at you know, one in the morning, hey this is so and so, Manuel call me. Feel free to call him that next day and that's, that's something we can follow up on. AY: It's very important

WW: Because the, you know, if folks are contacting him, that's somebody we need to talk to. Hey, I

Oh, okay.

mean, you know, was he using narcotics? Was he sick? Was he saying that, did they recognize he, he was not feeling good. Was he, was something going on with him that we need to get to the bottom of and that's gonna be huge for us to be able to track those folks down and, and have them help us give you guys the piece of mind that you deserve. I do know that he was in pain. Okay ma'am. WW: That in itself is huge. What, what when, one last thing. Hmm. When, when you mention that ah, he had right? Once he was transported to Paradise Valley Hospital, where was he the time? You said Do you remember that? Oh, no my mom said I don't remember the other. I only remember that one time. Where was the second time ma'am? Who treated him? Ah I don't know ah Manuel told me that ah he but ah brought him out of it. He might have unintell---Oh maybe... The first time they found him in the alley and they took... That's the one. Him to Paradise Valley Hospital. That's the only one I know of. And the, ah probation no, the P-O ah told me that yes he was, you know... Who was he, who... lit was.

AY:

AY:

AY:

AY:

AY:

I know but, who, who did he leave with that day cause I remember he left with somebody he

Who was he with that day he and they found him in the alley?

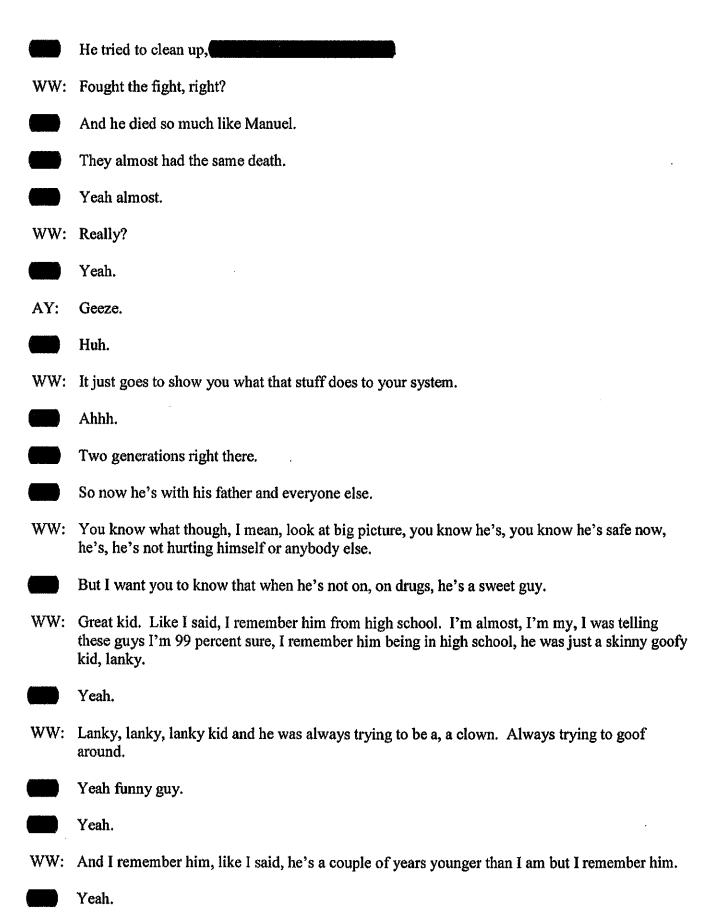
Ah someone on ah, made a call anonymous ah to the cops.

	knew. Was it with ah	
	Around oh ah no ah, she's related to you. Ah	
	Oh so it was a cousin of ours that she	
WW:	Do they off, do they live over off of about six hundred kid.	She has a
	Mmm yeah.	
ww:	She has a boy named	
AY:		
	Yeah.	
	And a daughter	
ww:	Yeah I know them.	
AY:	Are you guys related to them?	
	Yeah.	
	Well.	
	Yeah unintell uh my dad's sister.	
WW:	Which is?	
	Is her mother.	
ww:	What's her name?	
ww:	passed away.	
	Yeah cause she's no longer living.	
	passed away.	
ww:	She raised	

Mmm hmm.

	So you know they, they all if you know.
WW:	She runs in that whole circle and there's a lot of heroin being used and a lot of methamphetamine being used.
	Yes a lot of heroin.
ww:	In fact
	That's what I was saying you know, they knew a lot of people.
ww:	other son overdosed on heroin and died, correct?
AY:	Was it
ww:	I can't remember his name.
	Yeah, yeah, Umm brother.
	Yeah
ww:	yes, was the overdosed on heroin and died, correct?
	Yeah.
	Well from what I've heard, ah he went to the hospital for surgery.
	She got like a family story.
	But then he got out and then ah uh all of a sudden he collapsed in the middle of the floor, he couldn't breathe and they took him and he died.
ww:	I know that family okay.
	You might, I mean, I, I think my dad might have been, you know my, my, my dad's family that you know like, he knew of them and they were actually, they weren't the people that they are now.
ww:	No is your dad
	he's deceased.
	My dad was a heroin addict too.

He died ah in 19-97.



	Now and them are, are they, they still, I see them, I see her every like two years, two or three years wandering the streets
ww:	Moping around the city? (laughs)
	Yeah.
	Hanging out around like 8 <sup>th</sup> and
ww:	You answered your own question.
(Every	one laughing)
	She doesn't like guys no more.
ww:	No ma'am.
AY:	No ma'am.
	Well.
ww:	Yes.
AY:	Yes.
WW:	It is what it is, right?
	Mmm hmm.
	Do you know if she, if she's locked up right now or
ww:	Ah we had her, talked to her what? A year and six months ago?
	Oooou.
AY:	Let's end, let's end
WW:	Yeah.
AY:	This interview. So it's thirteen after four and I'm, were ending this recording.

End of Tape

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SAN DIEGO REGIONAL FIELD INTERVIEW REPORT	1774210
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LOCATION OF INTERVIEW	Unt City
NIC	PHONE
RESIDENCE ADDRESS (CITY / STATE)	
SOC SEC, NO. RACE	SEX HAIR EYES HT. WT.
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PHYSICAL ODDITIES (SCARS, ETC.)  CARLOS (TT CARLOS)  CLOTHING WORN	NEM MAJUTE BEERST
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I.D. NO.(S) BEAT OF OCCURRENCE

GJILIG NIHT CO YVASH CO RAJUDBUM CO

D GLASSES

AGENCY  DATE  12 14 2 14 2 14 0 12 07 2 49  LOCATION OF INTERVIEW  NAME (LAST NAME FIRST)  NICKNAME / ARA  RESIDENCE ADDRESS (CITY / STATE)  SOC. SEC. NO.  RACE SEX HAIR EYES HT. WT.  D.O.B.  DRIVER'S LICENSE  STATE  OLOTHING WORN  VEH. LIC. NO / STATE  VY YEAR MARE MODEL COLOR  TYPE  HAIR EYES HT. WT.  COMPANION I (LAST NAME FIRST)  FACE SEX D.O.B.  HAIR EYES HT. WT.  COMPANION 2 (LAST NAME FIRST)  RACE SEX D.O.B.  CRIME POTENTIAL (2 VIOL. MAXIMUM)  REMARKS (REASON FOR CONTACT)  TO DAMAGE - FRONT DESCRIPTION  DAMAGE - FRONT COLOR (REPUBLIEN)  DAMAGE - FRONT COLOR (RESTON WHEELS COMPANION)  DAMAGE - FRONT COLOR (REPUBLIEN)  DAMAGE - FRONT DESCRIPTION (REPUBLIEN)  DAMAGE - FRONT COLOR (REPUBLIEN)  DAMAGE - FRONT	SAN DIEGO REGIONAL FIELD INTERVIEW REPORT	1.	774209
NICKNAME / AKA  RESIDENCE ADDRESS (CITY / STATE)  SOC. SEC. NO.  RACE SEX HAIR EYES HT. WT.  D.O.B. DRIVER'S LICENSE STATE  CONTHING WORN  VEH. LIC. NO / STATE  VY YEAR MAKE MODEL COLOR  FOR JULIAST NAME FIRST)  RACE SEX D.O.B. HAIR EYES HT. WT.  COMPANION 1 (LAST NAME FIRST)  RACE SEX D.O.B. HAIR EYES HT. WT.  COMPANION 2 (LAST NAME FIRST)  RACE SEX D.O.B. HAIR EYES HT. WT.  COMPANION 2 (LAST NAME FIRST)  RACE SEX D.O.B. HAIR EYES HT. WT.  COMPANION 2 (LAST NAME FIRST)  RACE SEX D.O.B. HAIR EYES HT. WT.  COMPANION 2 (LAST NAME FIRST)  REMARKS (REASON FOR CONTACT)  DAMAGE - FRONT D CUSTOM WHEELS D HAIR STATE  DAMAGE - FRONT D CUSTOM WHEELS D BALD THENNING  DAMAGE - RIGHT D DECAL JEHBLEN D BALD THENNING  DAMAGE - LEFT D DECAL JEHBLEN D BALD THENNING  DAMAGE - LEFT D DECAL JEHBLEN D HAIR STATE  OF PRONT LOWERED D UNIOUS EXT. D HAIR STATE  OF PRONT LOWERED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF RONT ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UNIOUS EXT. D HAIR STATE  OF ROST ANSED D UN	NOD 12-1+13	<u>- 1900 lt</u>	207249
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SOC. SEC. NO.  RACE SEX HAIR EYES HT. WT.  DO.B. DRIVER'S LICENSE STATE  PHYSICAL ODDITIES (SCARS, ETC.)  CI,OTHING WORN  VEH. LIC. NO / STATE  VY YEAR MAKE MODEL COLOR  HAIR EYES HT. WT.  COMPANION 1 (LAST NAME FIRST)  FRACE SEX D.O.B. HAIR EYES HT. WT.  COMPANION 2 (LAST NAME FIRST)  FRACE SEX D.O.B. HAIR EYES HT. WT.  CRIME POTENTIAL (2 VIOL. MAXIMUM) REMARKS (REASON FOR CONTACT)  CRIME POTENTIAL (2 VIOL. MAXIMUM) REMARKS (REASON FOR CONTACT)  CRIME POTENTIAL (2 VIOL. MAXIMUM) REMARKS (REASON FOR CONTACT)  COMPANION 2 (LAST NAME FIRST)  BANDE FROM CONTACT OF THE COLOR OF THE COMPANION CONTACT)  COMPANION 2 (LAST NAME FIRST)  REMARKS (REASON FOR CONTACT)  COMPANION 2 (LAST NAME FIRST)  COMPANION 2 (LAST NAME FIRST)  REMARKS (REASON FOR CONTACT)  COMPANION 2 (LAST NAME FIRST)  COMPANION 2 (LAST NAME FIRST)  COMPANION 2 (LAST NAME FIRST)  COMPANION 2 (LAST NAME FIRST)  REMARKS (REASON FOR CONTACT)  COMPANION 2 (LAST NAME FIRST)  COMPANION 2 (LAST	NICKNAME / AKA	PHONE	
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PC 212.5(C) - ROBBERY LOCATION OF INCIDENT, CIT 530 W 21ST ST. NA	Y STATE ZIP	•	RUCT/RESIST EXEC OFFICER		

### **SYNOPSIS**:

Manuel Martinez (Suspect) entered the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. Martinez went behind the front counter and punched the Victim at least two times on the right side of his face forcing the Victim to the back room resulting in complaint of pain to his left cheek. Martinez pushed the Victim against a freezer resulting in scrapes on the Victim's shins and complaint of pain to his elbows. Martinez then threw a laptop computer striking the Victim on the back of his head.

Martinez ran to the customer area and tipped over several shelves. As the Victim ran outside for help, Martinez took a pack Camel cigarettes and a lighter from the display rack, opened the pack and lit a cigarette. Martinez also took a beverage from the display which he drank as police arrived on scene.

Martinez fled through the rear of the store and ran northbound along the train tracks to W. 18<sup>th</sup> Street where he was taken into custody. Martinez was taken to UCSD Medical Center for medical treatment.

As a result of Martinez' violent behavior during his apprehension, Officer Stinnett and Corporal Klos sustained some injuries.

### ORIGIN:

On 12/01/12, at about 1016 hours, I responded to a call of an Armed Robbery in progress at the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. NCPD Dispatch advised over police radio that the Suspect was reportedly armed with a knife or gun and was still inside the business and unknown injuries to the Victim. The Suspect was described as a White or Hispanic male in his 30's, with tattoos, wearing a white t-shirt and blue pants.

# INVESTIGATION:

Sergeant Young advised over his police radio he had the Suspect, later identified by his California Identification Card as Manuel Martinez (Martinez), who was barricaded inside the rear of the Trolley Side Deli & Minimart at gunpoint.

Upon arrival, I saw Sergeant Young with weapon drawn in front of business and went to his location. Sergeant Young advised there may be an exit to the northwest of the building. See Sergeant Young's Supplemental Report for further details.

I went along the trolley train tracks on the Westside of the building to search for a possible exit. Detective Dizinno acted as my cover officer. See Detective Dizzino's Supplemental Report for further details. As I approached the loading dock on the north side of the building, Sergeant Meeks, who was on the east side of the loading dock, advised he saw Martinez exit the building and was inside the loading dock. See Sergeant Meeks' Supplemental Report for further details. As I scanned the area, Detective Dizinno advised Martinez was north of my position. I looked north along the train tracks and saw Martinez running northbound about 50 yards in front of me. Detective Dizinno and I trailed Martinez and put out his direction of travel.

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As he arrived at the W. 18<sup>th</sup> Street overpass, Martinez went into the bushes on the west side of the tracks. Shortly there after, Corporal Klos advised he was taking Martinez into custody. See Corporal Klos' Supplemental Report for further details.

Detective Dizinno and I returned to the scene. While en route back to the scene, I heard Sergeant Meeks say over police radio Martinez was continuing to fight officers.

Detective Dizinno took digital photos of the scene and the Victim's injuries which he gave to me. I, later at NCPD, transferred the photos to CD-R and impounded it for evidence.

I contacted the Victim, identified by his California Driver License as a little of I documented his statement. Stated Martinez punched him at least two (2) times on his left cheek resulting in redness and swelling. Martinez pushed causing him to fall against a freezer hitting his right cheek, both elbows, and both shins. Martinez also threw the laptop computer at him which hit cause in a unknown location. I saw redness on right cheek. I saw redness on the laptop compared to both of his elbows, scrapes on both his shins and a cut about one inch in length on his right index finger.

display rack and smoked a cigarette. I looked on the front counter and saw a pack of Camel unfiltered cigarettes and a blue BIC lighter from the display rack and smoked a cigarette. I looked on the front counter and saw a pack of Camel unfiltered cigarettes with one (1) cigarette missing and a blue BIC lighter. Martinez also advised Martinez took and drank a blue Monster Energy Drink. I looked in the back room and saw an open blue can of Monster Lo-Carb Energy Drink on the counter. Cameland identify Martinez if seen again.

Sergeant Meeks directed me to lock down the scene for detectives and crime scene specialists. See Detective Ybarra's Report and CSS Kirkendall's Supplemental Report for further details. I put up crime scene tape blocking the front and rear of the business and assumed duties of scene security/scribe. I documented scene access as follows:

1410 hours - Det. Dizinno and M. Hermiz enter scene to front doorway re camera coverage.

1445 hours - CSS Kirkendall entered scene

1456 hours - Det. Wilkins entered scene

1457 hours - Lt. Tellez entered scene

1547 hours – Det. Walters and Det. Ybarra entered scene.

1650 hours - All units clear scene. Scene released to Victim.

During this time, I also stood by with the state until Detective Walters transported him to NCPD for an interview.

### **BACKGROUND**:

None.

#### STATEMENTS:

Statement (Victim):

					Committee of School
REPORTING OFFICER	ID#	DIVISION	APPROVED BY	tD#	DATE AND TIME OF REPORT
REPORTING OFFICER		217101011	1	201	12/01/2012 12:43
Sakamoto	1 439	1	Ybarra	381	12/01/2012 12:45
Jakamoco	17.				

NCIDENT NUMBER		S/ OFFICEI	NN DIEGO REGIONAL R'S.REPORT NARRATIVE	PAGE 9 OF 10	CASE NUMBER 1207248
CONTINUED FROM CRIME	BEAT 24	DISTRICT	DATE 12/01/2012	DAY OF WEEK Sat	10:16
ADDITIONAL CODE SECTION(S) PC 212.5(C) - ROBBERY: S LOCATION OF INCIDENT, CITY	ECOND DEGREE:	PC 69 - OBSTRU	instrument other than a firearm	11	

.S(C) - ROBBERY: SECOND DEGREE: PC 69 - OBSTRUCT/RESIST EXEC OFFICER
.S(C) - ROBBERY: SECOND DEGREE: PC 69 - OBSTRUCT/RESIST EXEC OFFICER NOFINCIDENT, OITY STATE ZIP 21ST ST, NATIONAL CITY, CA 91950
Minimart located at 530 W. 21 <sup>st</sup> Street in National City. was at the refrigerator on the southwest of the business when the Suspect, identified as Manuel Martinez, entered the east front door and went to the front counter. went behind the counter and asked Martinez, "May I help you?"
Martinez walked behind the front counter and approached to told Martinez he was not supposed to be behind the counter. Martinez responded by punching to on the left cheek at least two (2) times causing stumble back and turn around. Martinez punched to be the back and pushed him through the doorway to the back room. Fell against a freezer hitting his right cheek on a shelf, both elbows and both shins on the freezer.
picked up a hot plate from the backroom counter and held it up to block on-going punches by Martinez, moving it in an up-and-down motion. Martinez returned to the front counter, picked up to slaptop computer and threw it at the block on-going punches by Martinez, moving it in an up-and-down motion. Martinez returned to the front counter, picked up to slaptop computer and threw it at the block on-going punches by Martinez, moving it in an up-and-down motion. Martinez returned to the front counter, picked up to slaptop computer and threw it at the block on-going punches by Martinez, moving it in an up-and-down motion. Martinez returned to the front counter, picked up to slaptop computer and threw it at the block on-going punches by Martinez, moving it in an up-and-down motion. Martinez returned to the front counter, picked up to slaptop computer and threw it at the block on-going punches by Martinez, moving it in an up-and-down motion.
Martinez went to the customer area and tipped over shelves spilling merchandise all over the floor. an opening and ran outside and asked by passers to call for help while still holding the hot plate. looked through the south front door of the business and saw Martinez behind the front counter. Martinez took a pack of Camel unfiltered cigarettes from the display rack and opened it. He took a cigarette out and grabbed a lighter from the display rack, but failed to light it. Martinez grabbed a blue BIC lighter and lit his cigarette.
Martinez went to the refrigerator and took a blue Monster Lo-Carb Energy Drink and drank it. Police arrived on-scene.
EVIDENCE:
TAG # DESCRIPTION I0081482 CD-R Digital Photos

CSS Kirkendall and Detective Wilkins processed the scene for evidence. Refer to their Supplemental Reports for further details.

### **INJURY**:

had redness and swelling to his left and right cheeks, complaint of pain to both elbows, small scrapes to his shins and a cut about one inch in length on his right index finger. The refused medical treatment for his injuries.

# PROPERTY DAMAGE:

Martinez (Suspect) threw the Victim's laptop computer (valued at about \$400) which came apart as it impacted the floor. Martinez caused an unknown amount of damage to merchandise. Store employees were unable to assess damages until the scene was processed.

			Approved by	ID#	DATE AND TIME OF REPORT
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Sakamoto	439		100110		

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 10 OF 10	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
CRIME	24		12/01/2012	Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assau' ADDITIONAL CODE SECTION		dly we <u>apon o</u>	r instrument other than a firear	rm	
		; PC 69 - OBST	RUCT/RESIST EXEC OFFICER		
LOCATION OF INCIDENT. C	ITY STATE ZIP				
530 W 21ST ST. N	ATIONAL CITY,	CA 91950			

### **FOLLOW UP:**

To be determined by the Investigations Division.

### **RELATED REPORTS:**

Sergeant Meeks' Supplemental Report
Sergeant Young's Supplemental Report
Sergeant Aydellotte's Supplemental Report
Sergeant Cordero's Supplemental Report
Corporal Klos' Supplemental Report
Officer Dougherty's Supplemental Report and CHP 180
Officer Stinnett's Supplemental Report
Officer Barawed's Supplemental Report
CSS Kirkendall's Supplemental Report
Detective Ybarra's Supplemental Report
Detective Dizinno's Supplemental Report

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Sakamoto	439		Ybarra	381	12/01/2012 12:43

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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 2 OF 3	CASE NUMBER 1207248
CONTINUED FROM OFFICER'S REPORT ONLY	BEAT 24	DISTRICT	12/01/2012	DAY OF WEEK Sat	10:16 - 11:45
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					<u> </u>
LOCATION OF INCIDENT, CITY 400 W 22ND ST, NATI		CA 91950			

### SUPPLEMENTAL REPORT

### **ORIGIN**

On 12/01/12, at approximately 1016 hours, NCPD Dispatch broadcasted that a 211 PC (Robbery) was occurring now at 530 W 21<sup>st</sup> Street, national City (the deli at the W 24th Street trolley stop). I responded from a few blocks away to assist.

### **NARRATIVE**

On the above date and time, I was working Office of Traffic Safety (OTS) Traffic Enforcement overtime. I was in the area at West 18<sup>th</sup> Street, when NCPD Dispatched broadcasted that a 211 PC was occurring now at the deli located next to the 24<sup>th</sup> Street trolley station. Additionally it was broadcasted that the suspect had a gun or a knife. I was the first officer on scene; I arrived at approximately 1018 hours.

Upon arrival, I observed several people standing outside of the deli and pointing into the shop. From the crowd of people, I heard someone say, "The guy in the store has a gun." I moved into a position where I could see clearly through the south facing entrance door. I could view the cashier area and a doorway/hallway leading into what appeared to be a backroom. I took cover behind a telephone booth where I could see an individual who I believed was the suspected, bobbing and weaving in and out of the doorway, drinking a Monster style can beverage and eating and unknown object/substance.

I was approximately 25-30 feet away from the person I believed was the suspect. This individual was either a Hispanic male adult or a White male adult, 28-35 years old, short black hair, black mustache, about 5-09 to 6-00 tall, about 170-190 pounds, multiple tattoos over his exposed skin and wearing a white tank top undershirt and blue jeans. I broadcasted a description of the individual I saw out on the air for arriving units to the scene. I drew my handgun and pointed it at the suspect. I broadcasted, "Give me the air....I have one at gunpoint!"

I ordered the person I believed to be the suspect to the ground at gunpoint, he disregarded my commands as he moved away from the door way. The suspect appeared to be very agitated, paranoid and confused. Based on my training and experience, I believed he appeared to be under the influence of a controlled substance. As I ordered the suspect to the ground appeared to quickly finish the Monster drink he had in his and consume quickly what he was eating.

The store clerk was at my right side approximately 10-15 feet away from me. I asked him if that was the suspect in the store and he said, "Yes." I asked the store clerk if there was anyone else in the store and he said, "No." I asked the store clerk if there was a back way out of the deli and the store clerk old me there was to the north. I put this information out to the officers who were arriving to set up a perimeter. Just as I finished broadcasting the location of a possible exit of the building, Sergeant Meeks broadcasted that he had a subject matching that description running out of the back area behind the deli then onto the trolley tracks west of the deli. I maintained my location until the suspect was apprehended and it was confirmed he was only suspect in the robbery. I then cleared the deli and looked for any other suspects and evidence. I requested officers to assist in the investigation at the scene and to take witness statements.

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INCIDENT NUMBER		OFFICE	SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 3 OF 3	CASE NUMBER 1207248
CONTINUED FROM OFFICER'S REPORT ONLY	BEAT 24	DISTRICT	12/01/2012	DAY OF WEEK Sat	10:16 - 11:45
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(8)					
LOCATION OF INCIDENT, CITY 400 W 22ND ST, NATI	STATE ZIP	CA 91950			

Upon arrival of Officer Sakamoto to the scene, I relinquished the investigation to him and took the statement of a witness identified as

#### **STATEMENTS**

### Statement of (Witness)

was in the deli at the trolley station at about 10:00 O'clock on Saturday, December 1, 2012. Was in the area where the potato chips were located. She noticed a Hispanic or White man approach the cashier's counter from the east and begin to lean over the counter where the store clerk was standing on the other side. Said she could hear the man who was leaning over the counter say something, but she could not make out what he said. Said that the man had a silver object in one of his hands (unknown what hand) but could not tell what it was.

The store clerk raised his voice and told the man leaning over the couth the, "Get the fuck out of here" multiple times. said the store clerk yelled loudly as though he wanted other people in the store to know he was being robbed. All of a sudden, the man leaning over the counter began to attack the store clerk. The store clerk picked up a metal object (latter identified as a hot plate) and began to defend himself by hitting the man who was leaning over the counter with the metal object. Quickly left the store and as she left she could hear crashing coming from within the store. Acker called "911" to report the incident.

dentified the suspect as a White or Hispanic male adult, about 5-10 tall, medium build, mustache and black hair, having a lot of tattoos, and wearing a white tee shirt and blue jeans

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INCIDENT NUMBER			AN DIEGO REGIONAL ER'S,REPORT NARRATIVE	PAGE 2 OF 4	CASE NUMBER 1207248
CONTINUED FROM  OFFICER'S REPORT  ONLY	BEAT 24	DISTRICT	12/01/2012	DAY OF WEEK Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S) PC 212.5A - ROBBERY: FI			instrument other than a firear	m	
LOCATION OF INCIDENT, CITY 530 W 21ST ST. NATI	STATE ZIP				

# OFFICER'S SUPPLMENTAL

On 12-01-12 at about 1016 hours I heard officers being dispatched to a robbery in progress. The call was updated where a person was possibly shot. I began driving to the scene when I heard Sgt. Young say over the police radio that he had one at gunpoint. Sgt. Young updated the situation by saying there was a single suspect and he had now barricaded himself in a back room.

I drove toward the rear of the building in order to get a tactical position in case there was a back door the suspect could use to flee. As I drove into the area I saw a male, later identified as Manuel Martinez, running northbound through a small parking lot. Martinez was wearing a white tank top and was heavily tattooed and matched the general description of the suspect.

I exited my police car, however lost sight of Martinez for a moment as workers, who were working in the parking lot fled the area Martinez was in. I radioed Martinez' last location and direction of travel. A few moments later I heard another officer say Martinez was running northbound on the trolley tracks.

I entered my police car and began driving northbound on Wilson Ave, paralleling Martinez direction of travel in case Martinez turned eastbound. After several moments I heard Corporal Klos radio he was taking one into custody. I drove westbound on 18th St, then northbound onto the on ramp for Interstate 5.

I saw two police cars stopped in the lane, next to a blue car and a white truck. I saw Officer Stinnett in the bed of the truck and Corporal Klos standing on the driver's side. Both officers were actively engaged in taking Martinez into custody (See supplemental reports).

As I exited my police car I could see Martinez flailing around in the back of the truck as if fighting with Officer Stinnett. Officer Stinnett and Corporal Klos were both yelling at Martinez to stop resisting and surrender his left hand.

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I then delivered a third then released his left arm, the tailgate. Martinez was this time I could see Mart	allowing (	Officer Stinne of the truck b	tt to handcuff him. Office of and assisted to his fe	eet in order to be w	tue ilitek oen sim oberion
Martinez suddenly slump	ed to the gr	round and wo	uld not respond to office	ers commands. I as	sisted officers lift
Martinez to his feet as the who were parked along the	v walked l	nim toward a p	police car. I turned away	y and attempted to	speak to the withesses,
me her last name was also	o Curo. 1 o	, when I hear	rd a commotion.		
REPORTING OFFICER	1D#	DIVISION	APPROVED BY	1D# 381	DATE AND TIME OF REPORT 12/01/2012 15:40
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INCIDENT NUMBER			N DIEGO REGIONAL	PAGE	CASE NUMBER 1207248
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ADDITIONAL CODE SECTION(S) PC 212,5A - ROBBERY: FI					
LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI	STATE ZIP				
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was killed!!" Since	was nov	v becoming a	distraction to the situation I t	old her she and	ould leave. I was
able to get their person	onal informat	tion prior to r	eleasing them.		
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band. I placed my fo	ot on the bac	k of Martine:	n or turn any further, since I n z neck and upper back area. T pting to push his body up.	ow believed he had a his was only semi effe	gun in his waist ective as Martinez
one point, yelling "I constant pressure in	got a weapon order to cont I had to read it would caus	n." I continue rol the upper linst several t	ach into his waist band, in factor to push Martinez' upper boody and stop Martinez from times as Martinez continued to accement to move, which I wou	moving. At no time of the flail and kick. When	lid I raise my foot Martinez was
Officer Shephard arrapply a	rived a few n	noments later ever this was	and attempted to assist by ho not effective due to Martinez	lding Martinez' legs a kicking and flailing.	and attempting to
I continued to have administered a directly on Martinez waistband. However	to his l wrist and a	ower back. T gain delivere	d a in hopes of Ma	gain unholstered my on Martinez rtinez releasing his ha	" I braced my
to secure him. I saw	Martinez wa	as pulling his anvone had h	er body where I again placed a hands apart to the point I cou inged handcuffs, which Corpe artinez. I did this to limit the	oral Klos did. I asked	Officer Stinnett and

regular handcuffs, Martinez was able to twist his hands back and forth possibly causing injury to his own wrists to the point I believed he may break his own wrists.

In order to secure Martinez and get the hinged handcuffs on I pushed down with my hands and applied by bodyweight over Martinez, This was semi effective in securing Martinez, however while holding him I heard someone tell me, "Watch out, he's trying to bite you." I looked down and saw indeed Martinez was turning his head and arching with his mouth open in an attempt to bite my left hand, which was on his left scapula area. I stood up and again placed my foot over the upper back/neck area of Martinez.

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INCIDENT NUMBER		CA.	N DIEGO REGIONAL	PAGE	CASE NUMBER
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CONTINUED FROM OFFICER'S REPORT ONLY	BEAT 24	DISTRICT	DATE . 12/01/2012	DAY OF WEEK Sat	10:16
ADDITIONAL CODE SECTION(S) PC 212.5A - ROBBERY: FI LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI	RST DEGREE: PO STATE ZIP ONAL CITY, (	69 - OBSTRUCT/R CA 91950			a Martinaz an the
After several minutes gurney. Martinez con paramedic prepared	tinued to str	s arrived and a ruggle as parar	ssisted Corporal Klos and Officenedics, police and fire secured	him to the gurney. I	watched a one
a spit mask had been was just staring straig	placed over the ahead with Martine	Martinez face th his eyes wi z was wheele	z was strapped to the gurney; and it was covered in blood, he de open. I believed that was the dot to the ambulance, where I was lospital, where he	owever Martinez ha effect of the sthen told	I sav ad a fixed gaze and the time of this
At about 1430 hours trolley tracks looking	I along with g for any we	Corporal Klo apons or items	s and Officer Stinnett walked f Martinez may have thrown. W	rom the original cri le had negative resu	me scene along the lts.
Based on this incider	nt I gave my	Taser to Dete	ctive Wilkins. Detective Wilkin	ns took possession o	of the Taser.

NCIDENT NUMBER			N DIEGO REGIONAL 'S REPORT NARRATIVE		PAGE 1 OF 7	CASE NUMBER 1207248
CONTINUED FROM OFFICER'S REPORT ONLY	BEAT 24	DISTRICT	DAYE 12/01/2012		DAY OF WEEK	NEIDEN:FIAL
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)		ly weapon or i	nstrument other than a fi	R	HIS RECORDS	HAS BEEN RECORDED A SUANT TO CALIFORNIA
OCATION OF INCIDENT, CITY		A 91950		D	ISTRIBUTION (	COLIGH LIGHT SUBSEQUE OF INFORMATION CONTA
336 M 2131 31, NAII	ONAL CITY.	-W 21220	Detective Report		BSTRICTED BY NATIONAL CIT	<del>r i i i 40 through i i 44 (</del> ry police depart <b>men</b>
On 12	2-01-12. at	about 1130	I was called to NCPD	to assist	in the follo	ow up
			i just occurred. The su			
sustained s	ome injure	s during the	course of the robbery	and arre	st and had	
	t. He was	being treated	l at UCSD. I came to N	NCPD to	meet with	other NCPD
detectives.						
Detec	tive Walte	ers had locate	ed the victim of the rol	bberv.		and drove him to
			nd CSS Kirkendall co		/	····
injuries, I h	ad him sig	gn a medical	release form	aid he wa	as probably	going to be
treated at C	rossmont	Hospital but	he was not sure. I list	ed Gross	mont Hosp	oital and all other
			release form, PD-511			
assigned to had listed a currently b Officer Do answered a to the door ago and wa	try to loca in address eing super ugherty and nd said M . She also as staying anderstand	ate Martinez of vised per AF ad I went to t anuel did liv said Manuel there until he ing that it we	re had a briefing relater's residence. I ran a red in National Cincer and Second and Second and Second at a decould take Manuel about	cord's clity with had curre ted on the mother, had just treat	neck on Ma State Parole ent informate e door. A n st gotten of tment facili	artinez and saw he e. Martinez was tion on him. male, who then came ut of prison 3 days ity.
had the oth living roon asked	er one.  er one.  n. was	There were said he not there are mission to se	sleeping on the couch conly two rooms in the other son, and was currently hospi earch her house and sho nsent to search form, s	e house.  wou italized o e that wa	had ld also slee lue to issue as fine and	one and property in a chair in the swith I she did not have
		bedrooms, or	gle detached, single stone ne bath, one kitchen ar and rear yard.			

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PC 245A1 - Assault	with a dead	ly weapon or	instrument other than a firearm		
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LOCATION OF INCIDENT, CITY	STATE ZIP				
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belongings. This was in the south/east corner of the room. I saw there were minimal items of clothing and miscellaneous paper work. I searched the house and located a cell phone in mother had given it to Manuel. I collected that phone. I collected some miscellaneous papers and mail from that area. The also said Manuel would hang some clothes in the closet. I searched the closet and located some other papers for Manuel and collected those. I searched the couch area and did not locate anything else. Officer Dougherty searched the bathroom, kitchen and exterior but did not locate anything of significance. Detective DiZinno took photos of the house, inside and out, refer to his photos for details.

Neither more than seen Manuel using drugs. It did say Manuel had trouble sleeping at night. It was said Manuel was complaining of an issue with his wisdom teeth on his right side. It said his jaw was swollen and had a lump on it. She did not think he was taking any medication for it. They had not seen Manuel with any guns. They had not seen Manuel acting bizarre. It said Manuel did not have a cell phone, a job, a girlfriend, a car or a computer. She said he would walk to get around. Manuel did not have a bus pass yet. It said Manuel would use her cell phone upon occasion thought Manuel left the house at about 0830 to 0930 today. She thought he was going to go see his Probation Officer.

Later, on 12-01-12, I interviewed one of the fire fighters who responded to the scene to treat Martinez. I interviewed him at the investigations' area of the police department.

# Statement of O. Aguirre: (Witness)

- Aguirre was working Truck 34B this day
- He received a call to "evaluate for PD" at 18th St. and Wilson Ave.
- The driver of the fire truck parked behind the police car
- Aguirre saw the suspect (Manuel Martinez) on the ground near the right / front of the police car
- There were four officers on him
- Martinez was fighting the police
- Martinez was face down but Aguirre could not see if he was handcuffed but thought he may
- Aguirre was kicking and moving his head all around
- Martinez did not say anything

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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY.	CA 91950			

- The officers were yelling stop resisting
- Aguirre was standing by waiting so he could treat Martinez
- Once the medics got there, Aguirre got the backboard from the ambulance in anticipation of needing that
- Once Martinez was able to be restrained, the plan was to load him to the backboard and use restraints on him
- At one point they were able to maneuver Martinez to the backboard and began to strap him down. This took place near the back of the police car
- There was a set of cord cuffs from that the officers had put on Martinez so they took those off
- They got one arm restrained then a paramedic came up and gave Martinez
- They were able to finish restraining Martinez at that point
- Aguirre saw Martinez had a small cut to the area of his right eye and his toes
- They put a spit mask on Martinez because he was spitting when the officers were trying to restrain him
- They put the backboard on the gurney
- Aguirre saw Martinez's
- Aguirre checked and Martinez still had a pulse
- After reassessing another time, Aguirre realized Martinez
- Aguirre
- He notified others and they immediately transported to UCSD
- During the drive to the hospital, Aguirre reassessed and realized Martinez
- Martinez did not say anything during the drive to the hospital
- Aguirre believed Martinez
- He described Martinez as being

On 12-5-12, I talked with Probation Officer William Young reference Martinez. Young told me that Agent E. Armas will be the primary supervising agent but she was unavailable so Young provided me the information I needed.

- Martinez was released from prison on 11-27-12
- Reported to the Hall of Justice on 11-29-12 for mandatory report in
- Martinez was asked if he needed drug treatment and he said no
- He was not drug tested which is normal
- Martinez listed his home address as

with a phone number of

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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 4 OF 7	CASE NUMBER 1207248
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OFFICER'S REPORT ONLY	24	1	12/01/2012	Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)	with a deadl	y weapon or	instrument other than a firear	<u> </u>	
LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI	STATE ZIP ONAL CITY. C	A 91950			

- Martinez has previously reported health issues to his probation officer such as problems with
- It was noted in Martinez's file he was an intravenous drug user in prison
- Martinez called the NC probation office on the 30<sup>th</sup> and left a message asking when he needed to report
- Martinez has not reported to the office as of the date of this incident

bottle of

I talked with Agent Armas who told me she had talked with Martinez on the phone. She told me he sounded sober at that time. She said she had not yet been able to meet with Martinez or set a date to meet him, which was pending.

On 12-6-12, I reviewed the items I collected from Martinez's living area. There was a

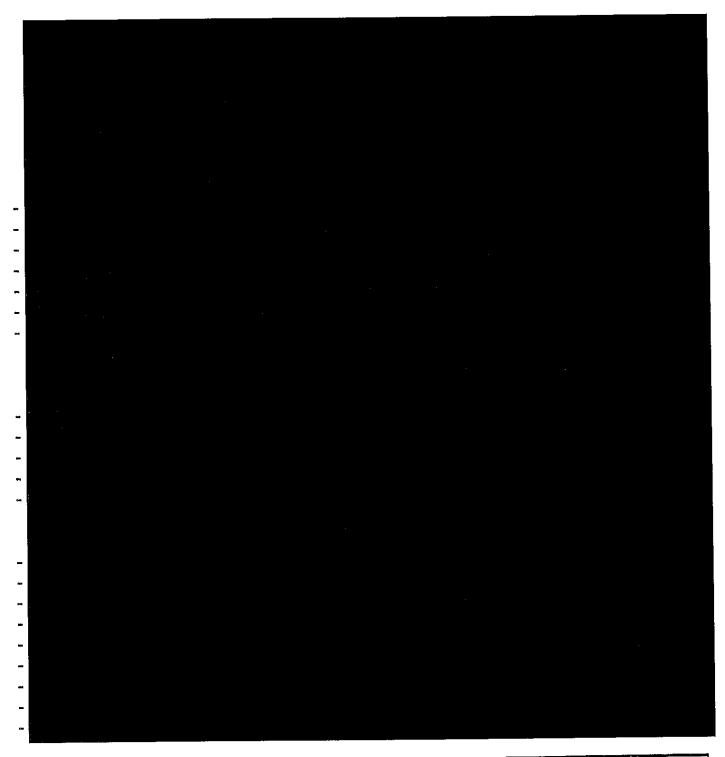
The prescription listed Martinez's name and was filled at Donovan

Prison. There were 30 pills and only one appeared to be taken (29 remained). There was a These items had recovered from the top of the speaker in room. There was a LG / Verizon cell phone I recovered. I reviewed that phone and saw in case El Cajon of emergency contact The name card for the phone was listed was humber I called the with an address of which was disconnected. I called who told me he knew lived there for about six months four months ago. from thought may be in drug rehab. I called though message but she has never returned my call. At this point, I am unable to determine if Martinez was allowed to be in possession of this phone or if it was stolen.

I located other papers which listed gang members' names, phone numbers and addresses. I made a copy of them, see attached. I also located an MTS trolley pass dated 11-27-12 at 10-46AM from the Iris St. trolley. This is the date Martinez was released from prison.

INCIDENT NUMBER			IAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 5 OF 7	CASE NUMBER 1207248
CONTINUED FROM OFFICER'S REPORT ONLY	BEAT 24	DISTRICT	DATE	DAY OF WEEK Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(8)	with a dead	ly weapon or	instrument other than a firearm		
LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI		A 91950			

# MANUEL MARTINEZ BACKGROUND



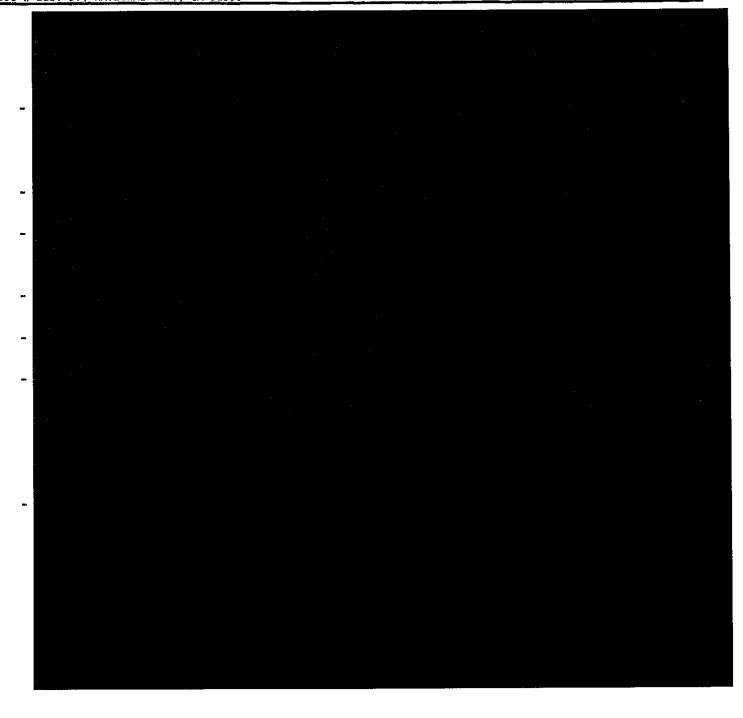
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OFFICER'S SUPPLEMENTAL REPORTION OF INFORMATION CONTAINED IS

RESTRICTED BY 11140 THROUGH 11144 CPC NATIONAL CITY POLICE DEPARTMENT

THIS RECORDS HAS BEEN RECORDED AS BEING

### **ORIGIN:**

On 12-01-12 at about 1027 hours, I responded to the area of West 18<sup>th</sup> Street and Wilson Avenue to assist officers who advised they were fighting a suspect.

### **INVESTIGATION:**

530 W 21ST ST 91950

On the above date, at about 1016 hours, Officers responded to the Trolley Deli at 530 West 21<sup>st</sup> Street reference a possible armed robbery in progress. The suspect fled the scene on officers' arrival, and was located a few blocks away at West 18<sup>th</sup> Street and Wilson Avenue, where he violently resisted officers attempting to arrest him.

I was in plainclothes in an unmarked police vehicle, equipped with emergency lights and sirens. Sergeant Cordero was with me, also in plainclothes. We are both assigned to the NCPD Gang Enforcement Team. We were on our way back from the downtown San Diego area, southbound on Harbor Drive.

We had just passed the Coronado Bridge, southbound on Harbor Drive, when I monitored a radio transmission by Sergeant Meeks saying, "We're still fighting the suspect!" The location given was the I-5 onramp from West 18<sup>th</sup> Street near Wilson Avenue. I activated my emergency lights and siren and responded (Table 1) to assist.

I traveled all the way down through San Diego on Harbor Drive, into National City on surface streets and finally arrived on scene on the on ramp, parking behind several police vehicles and a fire truck.

When I was nearing the top of the ramp, I saw several officers trying to control a suspect, identified as Manuel MARTINEZ. Sergeant Meeks, Corporal Klos, Officer Stinnett and Corporal Shepherd were on scene and all attempting to control MARTINEZ. It took several minutes to travel down Harbor Drive and MARTINEZ was STILL violently resisting on our arrival.

MARTINEZ was on the ground, with his hands behind his back in handcuffs. He was thrashing so wildly it took all those officers just to hold him to the ground. I could see Officer Stinnett, trying to hold the suspect's legs down and apply a leg restraint cord, being physically lifted off the ground by MARTINEZ' legs. MARTINEZ was yelling and screaming incoherently, making almost animal like sounds. He had a lot of blood on his face.

NCFD personnel were on scene. Sergeant Meeks told me they were attempting to control MARTINEZ' violent resistance enough to put him on a waiting gurney and have medics evaluate him. However, MARTINEZ only continued to wildly and violently resist. I could see the officers attempting to control MARTINEZ were sweating and appeared exhausted.

I assisted by helping to hold MARTINEZ to the ground while a set of hinged handcuffs were applied. His wrists were discolored and bruised from where it appeared he had been twisting and pulling on the handcuffs.

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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST 91956	)				

I was surprised by MARTINEZ' strength. He did not appear to be big enough to display the strength I felt as I tried to hold him down. It took all of my body weight pressing down on his left leg to keep him from lifting it up off the ground. The whole time, officers kept telling him to relax and stop fighting, though it had no effect on MARTINEZ.

Once MARTINEZ was secured in the second pair of handcuffs, I assisted in helping to lift him onto the gurney. He continued to fight, even on the gurney. Medics secured him to the gurney with nylon four point restraints and he continued to violently struggle. At one point in the struggle on the gurney, one of the medics said hands.

The entire time I was on scene, MARTINEZ never stopped struggling. The entire time I had hands on him, I never felt him relax or loosen up.

Medics loaded MARTINEZ onto the ambulance. A short time later, they advised MARTINEZ had MARTINEZ was transported to UCSD Medical Center. Officer Stinnett rode with medics in the ambulance, and I drove his police car to the hospital.

I later responded to the state of the state

I had the truck towed by Moynahan's Towing to the underground parking facility at NCPD.

I was later assigned to document a statement from one of the NCFD firefighters that had been on scene.

I met with NCFD firefighter Michael Sosamon in the Investigations Division at NCPD and documented his statement.

For further information, refer to attached police reports.

# **STATEMENT:**

Michael SOSAMON (Firefighter/ Paramedic)

Michael Sosamon is a firefighter/ paramedic with the National City Fire Department. He was on duty on 12-01-12, assigned to truck 34. He was the only paramedic on truck 34.

At about 1020 hours, Sosamon responded to the West 18<sup>th</sup> Street onramp to the I-5 reference a call to assist police with an injured, combative suspect.

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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST 91950					
Medics arrived with a Sosamon and the othe	a gurney an er firefighte	nd police loaders on his tru	y, but nothing intelligible. The poded MARTINEZ onto the gurney, ack all helped to hold MARTINEZ and it was hard to hold him down.	while he was still v	iolently struggling.
From Sosamon's trai Sosamon has seen a l	ning and ex ot of comb	kperience, ative patient	ts, and patients on drugs, but MAR	TINEZ was one of	the most
MARTINEZ did not taller, white male and	know the n	nedic crew o was a very s	on scene, as they did not normally hort male. The tall white medic ac	work the South Bay Ivised they were	area. One was a
MARTINEZ did not taller, white male and	know the n	nedic crew o was a very s	on scene, as they did not normally hort male. The tall white medic ac	work the South Bay Ivised they were	area. One was a

MARTINEZ still had a pulse and was loaded onto the ambulance.

Sosamon rode with medics

in the ambulance to UCSD medical center to assist

MARTINEZ was taken into the Emergency Room for further treatment.

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PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)	with a deadl	y weapon or	instrument other than a firearm			
LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST, NATI	DNAL CITY, C	A 91950				

#### OFFICER'S SUPPLEMENTAL REPORT

#### **ORIGIN:**

On December 1, 2012, Officers responded to the Eat & Go Trolley Deli, 530 W. 21st Street to investigate a report of a robbery.

### **INVESTIGATION:**

On December 1, 2012, at about 1027 hours, Officer Dougherty and I were in the area of 2798 Harbor Drive, San Diego when National City Police Sergeant Meeks advised via radio, "We are still fighting the suspect." Officer Dougherty and I drove from 2798 Harbor Drive to the northbound on-ramp of W. 18<sup>th</sup> Street and Civic Center Drive.

Upon our arrival, I saw a National City Police vehicle at the entrance of the on-ramp from W. 18<sup>th</sup> street to Civic Center, I also saw several National City Police vehicles and a NCFD truck in the on-ramp. Officer Dougherty and I exited our vehicle and ran up the on-ramp.

Upon our arrival, several NCFD personnel were standing around as NCPD Sgt. Meeks, Corporals Klos and Shephard and Officer Stinnett were holding down a Hispanic male adult, later identified as Manuel Martinez (Suspect). I could see Martinez was wearing a white tank top and blue jeans, his shoes were off and one of his socks appeared torn. Martinez was handcuffed facing down. He was uncooperative, combative and was trying to kick officers as they held him down. Sgt. Meeks placed his foot on Martinez's left shoulder/neck area as to control the movement of Martinez's head. Sgt. Meeks repeatedly told Martinez, "Calm down, stop resisting." Martinez did not comply and continued struggling with police.

Corporals Klos and Shephard were applying their body weight on Martinez's torso; Officer Stinnett was kneeling down holding onto Martinez's legs with his hands as Martinez continued struggling with police by kicking and jerking his body. Officer Stinnett appeared exhausted. Officer Dougherty assisted in holding Martinez down as Officer Stinnett attempted to apply the leg restraint cord. I could see Martinez was bleeding from his face and toe, as if he was violently rubbing his face and feet on the pavement. I also noticed his wrists were discoloring and blue as he fought to remove the cuffs. Martinez continued violently resisting officers as we waited for American Medical Response (AMR) to arrive.

AMR arrived on scene and prior to picking up Martinez a spit mask was placed on him. The spit mask was provided by AMR Medics. Sgt. Meeks, Corporal Klos, Corporal Shephard, Officer Dougherty and Officer Stinnett lifted Martinez off the ground and placed him on the gurney. Martinez continued to kick, jerk and resist officers as he was placed on the gurney. With assistance of the NCPD Officers and NCFD personnel, Martinez was secured to the gurney with nylon four point restraints. Martinez continued struggling while on the gurney.

was loaded onto the ambulance. Once inside the ambulance we were notified that Martinez

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appeared to be suspect dove it	e a white mal into the bed o chicle, the off	e (suspect) ru of single 's ficer exited an	tanding next to the driver door of nning northbound on the ice plant pickup truck, head first.  Id ran after the suspect. A second tempt to assist with the apprehensi	then saw a police officer ar	vehicle. The ice vehicle stop ne- rived and also got	

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530 W 21ST ST. NATI	ONAL CITY.	CA 91950	•		

### **Autopsy Supplemental**

On Thursday, December 6, 2012, I attended the autopsy of Manuel Tomas Martinez (DOB with Detectives Ybarra, Walters and Sergeant Seward. The autopsy was conducted at the San Diego County Medical Examiner's Office, 5570 Overland Avenue, San Diego.

The autopsy began at approximately 0930 hours and was performed by Dr. Lucas and Forensic Autopsy Assistant (FAA), Stephen Hannum.

The body of Manuel Tomas Martinez was laying naked on a gurney. There was medical equipment on his body from being in the hospital. I took digital photographs documenting the condition of the body. Doctor Lucas and FAA Sutton removed the hospital equipment and I took additional photographs.

FAA Sutton washed the body. After the body was washed, I collected two swabs from inside the decedent's mouth. There were several bruises and abrasions on the body. I took mid-range and close-up photographs of the wounds and tattoos.

After the wounds were documented, Dr. Lucas opened the body for examination. I took photographs of the skull, the brain and the back.

At approximately 1330 hours, Dr. Lucas finished the autopsy. I received a set of the decedent's fingerprints from FAA Hannum along with a vial of the decedent's blood. I left the Medical Examiner's Office and drove to the National City Police Department (NCPD).

Upon my arrival to the police station, I transferred the digital images from the camera to a DVD-R. I impounded the DVD-R into the NCPD Property and Evidence Unit along with the evidence I collected from the autopsy.

See the attached evidence list for the items I impounded with the corresponding property tag numbers.

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# **Evidence List**

Property Tag	Description
I0081219	(2) Mouth swabs from Manuel Martinez
10081220	(1) Blood vial from Manuel Martinez
I0081221	(1) Set of fingerprints from Manuel Martinez
I0081222	(1) DVD-R containing (225) digital images of the autopsy of Manuel Tomas Martinez

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## Field Call-Out Supplemental

On Saturday, December 1, 2012 at approximately 1145 hours, I received a call on my department issued cellular phone from Detective Sergeant Leach. Sergeant Leach asked me to assist in processing a possible robbery scene located at the "Eat and Go Trolley Deli", 530 W. 21 St. in National City. According to Sergeant Leach there was an additional scene located on the W. 18<sup>th</sup> St. on ramp to Harbor Drive. This is the location where National City patrol officers took the suspect, Manuel Tomas Martinez, into custody.

officers took the suspect, Manuel Tomas Martinez, into custody.
I arrived at the National City Police Department (NCPD) at approximately 1230 hours and met with NCPD Detectives. Detective Walters asked me to take photographs of the deli clerk, (DOB (DOB)). was waiting in Interview Room 'A' in the Investigations Division. At approximately 1315 hours, Detective Walters and I met with I explained to that I would be taking photographs of his injuries and collecting a DNA mouth swab from him. I took a total of 39 photographs of After taking the photographs, I collected a DNA mouth swab from the inside of his right cheek.
After I took photographs of I According to Sergeant Meeks, a man entered the Trolley Deli and assaulted the clerk, According to According to the suspect punched him in the face and hit him with a laptop computer owned by grabbed a hot plate to defend himself and ran to the back. The suspect then began ransacking the deli. Fran outside and yelled for witnesses to call the police. The suspect opened a pack of cigarettes and began smoking; he also opened a Monster Energy drink and began to drink it. When NCPD officers arrived, the suspect fled through the back of the store through a storage facility. According to the patrol officers, the suspect jumped into the bed of truck that was parked on the east curb line of the W. 18 <sup>th</sup> Street on ramp to Harbor Drive. According to officers, the suspect was bleeding from his head. There was also blood on the hood of the patrol car and on the street next to the patrol car. Patrol officers said the suspect had also vomited clear liquid in the blood on the street.

After the briefing, Detective Ybarra asked me to take photographs of the patrol officers who took the suspect into custody. Detective Ybarra also asked me to process the scenes at the deli and the on ramp.

At approximately 1400 hours, I took photographs of Corporal Klos and injuries to his hands and left knee. Next I took photographs of Sergeant Meeks and Officer Stinnet.

After I took photographs of the officers, I drove to the Trolley Deli, 530 W. 21<sup>st</sup> Street and met with Detective Wilkins and Officer Sakamoto. At approximately 1445 hours, I began taking photographs of the deli. I noticed a hot plate sitting on the concrete bench in front of the deli. Inside the deli, I saw racks that hold snacks turned over and the snacks were all over the floor. I noticed a pack of open Camel cigarettes on the counter next to a blue lighter. I saw a black laptop computer on the floor of the rear storage area. As I walked to the storage area I saw an empty Monster Energy drink can on the sink located on the south wall of the storage room.

After taking the photographs of the deli, Detective Wilkins asked me to go to the W. 18<sup>th</sup> Street on ramp to Harbor Drive and process the scene there.

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Upon my arrival, I noticed patrol car #123 was facing north on the on ramp, with the overhead patrol lights on. At approximately 1530 hours, I took photographs of the scene which included suspected blood on the hood of the patrol car and on the street east of the front right tire of the patrol car. After taking the photographs, I swabbed the suspected blood on the patrol car and on the street. I used a third swab to collect the possible biological evidence that was mixed in the suspected blood on the street. After collecting the swabs I took approximate measurements of the locations of the patrol car and the suspected blood on the street.

	Top of arrow to I-5 on ramp	East curb line of I-5 on ramp
Suspected blood stain	33'4"	9'8"
Right front tire	31'	10'5"
Right rear tire	21'7"	10'8"

<sup>\*</sup>All measurements are approximate

After I finished processing the scene at the on ramp, I drove back to the Trolley Deli and met with Detective Wilkins. I collected the following items of evidence from the deli:

- A pack of open camel cigarettes and a blue lighter from the counter near the cash register
- A black laptop computer from the floor of the rear storage area
- An empty Monster Energy drink can from the sink in the rear storage area

At approximately 1700 hours, I finished processing the crime scene and drove to the National City Police Department.

Upon my arrival to the police station, Detective Wilkins asked me to process the laptop computer I collected from the deli for fingerprints and DNA. I dusted the outside of the laptop for fingerprints with black fingerprint powder and collected three latent print cards. Next I swabbed the top of the laptop for DNA using one swab. After I processed the computer, I gave it to Detective Wilkins (see Detective Wilkins' report for details).

After processing the computer, Detective Ybarra asked me to take photographs of a white 2010 CA license # According to Detective Ybarra, the vehicle was parked on the east side of the 18<sup>th</sup> Street on ramp to Harbor Drive. The suspect had jumped in the bed of the truck and injured himself. Detective Ybarra asked me to take photographs of the vehicle and look for blood in the bed of the truck. The truck was being held in the underground parking structure of NCPD and was wrapped with yellow crime scene tape.

At approximately 1745 hours, I began taking photographs of the vehicle. After taking the overall photographs, I removed the tape and took an additional set of photographs of the exterior and interior. Detective Ybarra pointed out a dent on the passenger side of the truck, above the right rear tire. I took photographs of the dent documenting the location. I searched the bed of the truck for possible blood. I noticed a red stain on the driver's side of the truck bed near the rear window. I swabbed the stain and tested it with a Hemident presumptive blood test kit. I received a positive reaction indicating the stain could be blood. I collected a second swab of the stain for evidence.

At approximately 1830 hours I finished the assignment. I transferred all the digital images I took to five CD-R's (deli, NCPD Officers, and the 18<sup>th</sup> St. on ramp). I impounded the CD-R's into the NCPD Property and Evidence Unit along with the evidence I collected.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
Kirkendall	4756	CSS	Ybarra	381	02/28/2013 10:31

INCIDENT NUMBER	SAN DIEGO REGIONAL		PAGE	CASE NUMBER	
	ł	OFFICER'S	REPORT NARRATIVE	4 OF 5	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY			12/01/2012	Sat	
PRIMARY CODE SECTION					
<u> PC 245A1 - Assault</u>	with a dead	ly weapon or in	strument other than a firearm		
ADDITIONAL CODE SECTION(S)	*		TO THE PERSON OF		
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LOCATION OF INCIDENT, CITY	STATE ZIP			<del></del>	
530 W 21ST ST, NATI	ALLE				

On Wednesday, December 05, 2012, Detective Ybarra asked me to go with him and Detective Walters to take additional photographs of the deli and the suspected path the suspect may have ran. At approximately 1200 hours, I began taking digital photographs of the deli. I walked through the back storage area of the deli with Detectives Ybarra and Walters. I took photographs of the storage facility hallway that was behind the deli. Detective Ybarra asked me to take photographs of an area in between the storage buildings, west of the trolley tracks. Next I walked along the trolley tracks with Detectives Ybarra and Walters, beginning west of the Trolley deli to an embankment east of the 18th St. on ramp to I-5 north.

At approximately 1330 hours, I finished the assignment and drove back to NCPD with Detectives Ybarra and Walters. Upon my arrival to the station, I transferred the digital images from the camera to a CD-R and impounded the CD-R into the NCPD Property and Evidence Unit.

I sealed all the evidence I collected with my initials, ID# and the date. See the attached evidence list for the items I impounded with the corresponding property tag numbers.

I used a Nikon D300 digital camera. The camera was not set for daylight savings time. Therefore, the photographs show an hour ahead from the time documented in my report.

INCIDENT NUMBER	1	SAN DIEGO REGIONAL			PAGE			CASE NUMBER	
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LOCATION OF INCIDENT, CITY	STATE ZIP			<del></del> -					
530 W 21ST ST, NATI	ONAL CITY.	CA 91950							

# **Evidence List**

Property Tag	<u>Description</u>
I0081483	Mouth swab from DOB DOB
I0081484	Empty Monster Energy drink can
I0081485	Open Camel cigarette pack and blue lighter
I0081486	Three latent print cards from laptop computer
10081487	Swab from laptop computer
I0081488	Swab of red stain from the 18th St. on ramp to Harbor Drive
10081489	Swab of biological fluid from 18th St. on ramp to Harbor Drive
I0081490	Swab of red stain from hood of patrol car #123
10081491	Swab of red stain from truck bed, 2010 CA
I0081492	CD-R containing (53) digital images of Trolley Deli
I0081493	CD-R containing (28) digital images of 18th Street on ramp to Harbor Drive
10081494	CD-R containing (39) digital images of
I0081495	CD-R containing (28) digital images of NCPD Officers
I0081496	CD-R containing (40) digital images of 2010 CA
I0080564	CD-R containing (147) digital images of 530 W. 21st St.

REPORTING OFFICER	ID#	DIVISION .	APPROVED BY	ID#	DATE AND TIME OF REPORT
Kirkendall	4756	CSS	Ybarra	381	02/28/2013 10:31

INCIDENT NUMBER		SAN DIEGO REGIONAL			PAGE			CASE NUMBER		
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PC 69 - OBSTRUCT/RESIS	T OFFICER: PC	245A1 - ADW			CODE	ייי	M TO CITE	THI 11081 SUBSEQUENT		
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SUPPLEMENTAL 1	REPORT:				NATIO	NAL	CITY P	OLICE DEPARTMENT		

On 12/1/2012, I was on duty as a National City Police corporal. I was in full uniform and driving a marked police car. At about 1018 hours, I responded to assist with a robbery call at the deli in the 24<sup>th</sup> Street Trolley Station's parking lot. Per the CAD incident, a white male with tattoos, wearing a white shirt and blue pants, was barricaded inside the business and armed with a knife. There was also a broadcast about someone being shot or stabbed. I responded from the Plaza Bonita mall.

Upon my arrival at W. 22<sup>nd</sup> Street & Wilson Avenue a few minutes later, I heard units broadcast that the suspect was running northbound along the tracks. I drove north on Wilson Avenue, but my view of the tracks was blocked by large buildings on the west side of the street. I broadcast that I was going to go onto the freeway in an attempt to observe the suspect. A moment later, while in the 1800 block of Wilson Avenue, I saw the suspect running northbound along the tracks. The suspect continued running northbound, now on the train bridge that crosses over W. 18<sup>th</sup> Street.

I drove west on W. 18<sup>th</sup> Street, then north on the ramp leading to the Civic Center off-ramp from northbound I-5. I paused momentarily at the bottom of the ramp because I could no longer see the suspect. Stopped ahead of me, on the right shoulder of the ramp, were two vehicles with people in/around them. The vehicles were parked one in front of the other; a pickup was in front (north of) the other vehicle.

The suspect, later identified as Manuel Martinez, ran from the train tracks down to where the vehicles were. I thought that Martinez was going to carjack one of the vehicles because of the way he ran directly toward them. Instead, Martinez jumped head-first into the bed of the pickup. I stopped my police car in the middle of the ramp and ran up to the left side of the pickup. I drew my Taser and pointed it at Martinez, who was lying on his back. I ordered Martinez not to move and to show me his hands.

At about this time, Officer Stinnet arrived and climbed into the truck bed to arrest Martinez. We ordered Martinez to lie face down and he complied. As Officer Stinnet began handcuffing Martinez' right hand, Martinez secreted his left hand under his body near his waistband. I ordered Martinez to show his hand but he did not comply. I grabbed Martinez' wrist but he resisted by holding it under him. I feared that Martinez was going to retrieve a weapon from his waistband to assault me and/or Officer Stinnet. I punched Martinez several times in his left side in order to distract him and to get him to comply and present his hand. These punches were unsuccessful and Martinez did not comply. I drew my police baton and struck Martinez several times in the upper left arm, in order to distract him and to get him to comply and present his hand. These strikes were also unsuccessful, as

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PC 69 - OBSTRUCT/RESIST	OFFICER: PC 24	45A1 - ADW					
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530 W 21ST ST 91950				<del></del>	-		
Martinez still did:	not comply	, and kent h	is hand under him	at hie waie	t I adminic	tarad ca	veral ish
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nom	the area of	Martinez' I	eft back. Sergean	it Meeks, wh	10 had arrive	ed on sc	ene, usec
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were ultimately su	ccessful an	d Martinez e	eventually produce	ed his hand a	and was han	lcuffed	
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When we lifted Martine and medics to truck to the right scar with Martinez left shoe. Officer about this time durand body. I attentightening his armuly searched, I or assault us.	o respond to respond to respond to the stinnet was ring the patents and body	o evaluate Moolice car. Vole ground. It is on Martine down, Martine control Marty while reac	Martinez. Officer We placed Martine began patting do z' right side. Offinez reached into inez against the hing into his wai	Stinnet and z' upper boown Martinez icer Stinnet his waistbar side of the stband. Because was been stood and stood a	I walked Maly over the hearth side a and I then so and and rigidle car but he cause Martin	fartinez  food of a  food I ren  witched  y tensed  was tur  food had	from the my police noved his sides. At his arms and not been
We took Martinez applying my body ground even with eaching into his w aying something s	weight vi my appli aistband, t	a my knee cation of www.wisting, and	on his left arm. eight. I told M had now begun re	Martinez w  [artinez to s  epeatedly sa	ras lifting histop resisting May	mself ug and a artinez of a wear	p off the applied a continued con!" and
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PRIMARY CODE SECTION PC 211 - ROBBERY						
ADDITIONAL CODE SECTION(S)						
PC 69 - OBSTRUCT/RESIST	OFFICER; PC	245A1 - ADW				
LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST 91950						

opening his airway, while another medic was checking Martinez' carotid pulse, saying that there was a pulse present. Medics cut off most of Martinez' clothes, which I later impounded.

Martinez was placed in the ambulance. A few moments later, I heard from Sergeant Meeks or Officer Stinnet that fire/medics were performing CPR on Martinez in the back of the ambulance. Sergeant Meeks directed me to take photographs of Martinez. I went to the ambulance, opened the rear doors, and saw fire and/or medic staff performing chest compressions on Martinez. I took one photograph before the ambulance started moving. Medics in the ambulance told the driver to stop because I had opened the doors. I was told that they needed to depart so I got down from the ambulance and it drove away to the hospital.

Later in the day, I, along with Sergeant Meeks, Officer Stinnet and Officer Estabrook and his K9 partner, checked (with negative results) the area north of the train tracks from the 24<sup>th</sup> Street trolley station looking for a weapon that may have been dropped by Martinez.

After checking the tracks, I retrieved from the inside of my police car and gave it to Sergeant Leach.

As a result of the incident, I suffered soreness to my right hand, a small cut on my right index finger, and an abrasion to my left knee.

## IMPOUNDED EVIDENCE:

Tag #I0081497: Martinez' pants, shoes, socks, and belt.

Tag #I0081498: Martinez' wallet and its contents and miscellaneous items.

Tag #I0081499: \$8.30 cash from Martinez' property.

Tag #I0081500: Photo CD containing the one photograph I took.

IN	CIDENT N	SAN DIEGO REGIONAL ADDITIONAL VICTIMS/WITNESSES/OTHERS						PAGE 1	CASE NUMBER 1 0F 5 1207248						
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INCIDENT NUMBER	1	SAN DIEGO REGIONAL		PAGE	CASE NUMBER	
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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
OFFICER'S REPORT ONLY			12/1/2012	Sat		
PRIMARY CODE SECTION					<u> </u>	
PC 245A1 - Assault	with a dead	ly weapon or in	nstrument other than a firearm			
ADDITIONAL CODE SECTION(S)						
LOCATION OF INCIDENT, CITY	STATE ZIP			***************************************		
530 W 21ST ST. NATI	ONAL CITY. (	CA 91950				

## Field Call-Out Supplemental

On Saturday, December 1, 2012 at approximately 1145 hours, I received a call on my department issued cellular phone from Detective Sergeant Leach. Sergeant Leach asked me to assist in processing a possible robbery scene located at the "Eat and Go Trolley Deli", 530 W. 21 St. in National City. According to Sergeant Leach there was an additional scene located on the W. 18<sup>th</sup> St. on ramp to Harbor Drive. This is the location where National City patrol officers took the suspect, Manuel Tomas Martinez, into custody.

I arrived at the National City Police Department (NCPD) at approximately 1230 hours and met with NCPD Detectives. Detective Walters asked me to take photographs of the deli clerk, (DOB was waiting in Interview Room 'A' in the Investigations Division. At approximately 1315 hours, Detective Walters and I met with explained to that I would be taking photographs of his injuries and collecting a DNA mouth swab from him. I took a total of 39 photographs of the After taking the photographs, I collected a DNA mouth swab from the inside of his right cheek.
After I took photographs of I attended a briefing conducted by Sergeant Meeks.  According to Sergeant Meeks, a man entered the Trolley Deli and assaulted the clerk, According to the suspect punched him in the face and hit him with a laptop computer owned by Grabbed a hoplate to defend himself and ran to the back. The suspect then began ransacking the deli. The suspect opened a pack of cigarettes and began smoking; he also opened a Monster Energy drink and began to drink it. When NCPD officers arrived, the suspect fled through the back of the store through a storage facility. According to the patrol officers, the suspect jumped into the bed of truck that was parked on the east curb line of the W. 18th Street on ramp to Harbor Drive. According to officers, the suspect was bleeding from his head. There was also blood on the hood of the patrol car and on the street next to the patrol car. Patrol officers said the suspect had also vomited clear liquid in the blood on the street.

After the briefing, Detective Ybarra asked me to take photographs of the patrol officers who took the suspect into custody. Detective Ybarra also asked me to process the scenes at the deli and the on ramp.

At approximately 1400 hours, I took photographs of Corporal Klos and injuries to his hands and left knee. Next I took photographs of Sergeant Meeks and Officer Stinnet.

After I took photographs of the officers, I drove to the Trolley Deli, 530 W. 21<sup>st</sup> Street and met with Detective Wilkins and Officer Sakamoto. At approximately 1445 hours, I began taking photographs of the deli. I noticed a hot plate sitting on the concrete bench in front of the deli. Inside the deli, I saw racks that hold snacks turned over and the snacks were all over the floor. I noticed a pack of open Camel cigarettes on the counter next to a blue lighter. I saw a black laptop computer on the floor of the rear storage area. As I walked to the storage area I saw an empty Monster Energy drink can on the sink located on the south wall of the storage room.

After taking the photographs of the deli, Detective Wilkins asked me to go to the W. 18<sup>th</sup> Street on ramp to Harbor Drive and process the scene there.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	(D#	DATE AND TIME OF REPORT
Kirkendall	4756	CSS	Ybarra ·	381	02/28/2013 10:31

INCIDENT NUMBER			DIEGO REGIONAL REPORT NARRATIVE	PAGE 3 OF 5	CASE NUMBER 1207248
CONTINUEO FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY			12/1/2012	Sat	
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)	with a deadly	weapon or in	strument other than a firearm		<u></u>
LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI		01050			

Upon my arrival, I noticed patrol car #123 was facing north on the on ramp, with the overhead patrol lights on. At approximately 1530 hours, I took photographs of the scene which included suspected blood on the hood of the patrol car and on the street east of the front right tire of the patrol car. After taking the photographs, I swabbed the suspected blood on the patrol car and on the street. I used a third swab to collect the possible biological evidence that was mixed in the suspected blood on the street. After collecting the swabs I took approximate measurements of the locations of the patrol car and the suspected blood on the street.

	Top of arrow to I-5 on ramp	East curb line of I-5 on ramp
Suspected blood stain	33'4"	9'8"
Right front tire	31'	10'5"
Right rear tire	21'7"	10'8"

<sup>\*</sup>All measurements are approximate

After I finished processing the scene at the on ramp, I drove back to the Trolley Deli and met with Detective Wilkins. I collected the following items of evidence from the deli:

- A pack of open camel cigarettes and a blue lighter from the counter near the cash register
- A black laptop computer from the floor of the rear storage area
- An empty Monster Energy drink can from the sink in the rear storage area

At approximately 1700 hours, I finished processing the crime scene and drove to the National City Police Department.

Upon my arrival to the police station, Detective Wilkins asked me to process the laptop computer I collected from the deli for fingerprints and DNA. I dusted the outside of the laptop for fingerprints with black fingerprint powder and collected three latent print cards. Next I swabbed the top of the laptop for DNA using one swab. After I processed the computer, I gave it to Detective Wilkins (see Detective Wilkins' report for details).

After processing the computer, Detective Ybarra asked me to take photographs of a white 2010 According to Detective Ybarra, the vehicle was parked on the east side of the 18<sup>th</sup> Street on ramp to Harbor Drive. The suspect had jumped in the bed of the truck and injured himself. Detective Ybarra asked me to take photographs of the vehicle and look for blood in the bed of the truck. The truck was being held in the underground parking structure of NCPD and was wrapped with yellow crime scene tape. At approximately 1745 hours, I began taking photographs of the vehicle. After taking the overall photographs, I removed the tape and took an additional set of photographs of the exterior and interior. Detective Ybarra pointed out a dent on the passenger side of the truck, above the right rear tire. I took photographs of the dent documenting the location. I searched the bed of the truck for possible blood. I noticed a red stain on the driver's side of the truck bed near the rear window. I swabbed the stain and tested it with a Hemident presumptive blood test kit. I received a positive reaction indicating the stain could be blood. I collected a second swab of the stain for evidence.

At approximately 1830 hours I finished the assignment. I transferred all the digital images I took to five CD-R's (deli, NCPD Officers, and the 18<sup>th</sup> St. on ramp). I impounded the CD-R's into the NCPD Property and Evidence Unit along with the evidence I collected.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Kirkendall	4756	CSS	Ybarra	381	02/28/2013 10:31

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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY PRIMARY CODE SECTION			12/1/2012	Sat	_
PC 245A1 - Assault w ADDITIONAL CODE SECTION(S)	ith a deadl	<u>y weapon or i</u> n	strument other than a firearm		

On Wednesday, December 05, 2012, Detective Ybarra asked me to go with him and Detective Walters to take additional photographs of the deli and the suspected path the suspect may have ran. At approximately 1200 hours, I began taking digital photographs of the deli. I walked through the back storage area of the deli with Detectives Ybarra and Walters. I took photographs of the storage facility hallway that was behind the deli. Detective Ybarra asked me to take photographs of an area in between the storage buildings, west of the trolley tracks. Next I walked along the trolley tracks with Detectives Ybarra and Walters, beginning west of the Trolley deli to an embankment east of the 18<sup>th</sup> St. on ramp to I-5 north.

At approximately 1330 hours, I finished the assignment and drove back to NCPD with Detectives Ybarra and Walters. Upon my arrival to the station, I transferred the digital images from the camera to a CD-R and impounded the CD-R into the NCPD Property and Evidence Unit.

I sealed all the evidence I collected with my initials, ID# and the date. See the attached evidence list for the items I impounded with the corresponding property tag numbers.

I used a Nikon D300 digital camera. The camera was not set for daylight savings time. Therefore, the photographs show an hour ahead from the time documented in my report.

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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
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PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)	with a deadl	y weapon or	instrument other than a firearm		
LOCATION OF INCIDENT, CITY 530 W 21ST ST. NATI	STATE ZIP ONAL CITY, C	A 91950			

# **Evidence List**

Property Tag	<u>Description</u>
I0081483	Mouth swab from DOB
I0081484	Empty Monster Energy drink can
I0081485	Open Camel cigarette pack and blue lighter
I0081486	Three latent print cards from laptop computer
I0081487	Swab from laptop computer
I0081488	Swab of red stain from the 18 <sup>th</sup> St. on ramp to Harbor Drive
I0081489	Swab of biological fluid from 18th St. on ramp to Harbor Drive
I0081490	Swab of red stain from hood of patrol car #123
I0081491	Swab of red stain from truck bed, 2010 CA
I0081492	CD-R containing (53) digital images of Trolley Deli
I0081493	CD-R containing (28) digital images of 18th Street on ramp to Harbor Drive
I0081494	CD-R containing (39) digital images of
I0081495	CD-R containing (28) digital images of NCPD Officers
I0081496	CD-R containing (40) digital images of 2010 CA
I0080564	CD-R containing (147) digital images of 530 W. 21st St.

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## OFFICER'S SUPPLEMENTAL REPORT

## **ORIGIN:**

On December 1, 2012, Officers responded to the Eat & Go Trolley Deli, 530 W. 21<sup>st</sup> Street to investigate a report of a robbery.

### **INVESTIGATION:**

On December 1, 2012, at about 1027 hours, Officer Dougherty and I were in the area of 2798 Harbor Drive, San Diego when National City Police Sergeant Meeks advised via radio, "We are still fighting the suspect." Officer Dougherty and I drove from 2798 Harbor Drive to the northbound on-ramp of W. 18<sup>th</sup> Street and Civic Center Drive.

Upon our arrival, I saw a National City Police vehicle at the entrance of the on-ramp from W. 18<sup>th</sup> street to Civic Center, as to prevent traffic from entering the on-ramp. I also saw several National City Police vehicles and a NCFD truck in the on-ramp. Officer Dougherty and I exited our vehicle and ran up the on-ramp.

Upon our arrival, several NCFD personnel were standing around as NCPD Sgt. Meeks, Corporals Klos and Shephard and Officer Stinnett were holding down a Hispanic male adult, later identified as Manuel Martinez (Suspect). I could see Martinez was wearing a white tank top and blue jeans, his shoes were off and one of his socks appeared torn. Martinez was handcuffed facing down. He was uncooperative, combative and was trying to kick officers as they held him down. Sgt. Meeks placed his foot on Martinez's left shoulder/neck area as to control the movement of Martinez's head. Sgt. Meeks repeatedly told Martinez, "Calm down, stop resisting." Martinez did not comply and continued struggling with police.

Corporals Klos and Shephard were applying their body weight on Martinez's torso; Officer Stinnett was kneeling down holding onto Martinez's legs with his hands as Martinez continued struggling with police by kicking and jerking his body. Officer Stinnett appeared exhausted. Officer Dougherty assisted in holding Martinez down as Officer Stinnett attempted to apply the I could see Martinez was bleeding from his face and toe, as if he was violently rubbing his face and feet on the pavement. I also noticed his wrists were discoloring and blue as he fought to remove the cuffs. Martinez continued violently resisting officers as we waited for American Medical Response (AMR) to arrive.

AMR arrived on scene and prior to picking up Martinez a spit mask was placed on him. The spit mask was provided by AMR Medics. Sgt. Meeks, Corporal Klos, Corporal Shephard, Officer Dougherty and Officer Stinnett lifted Martinez off the ground and placed him on the gurney. Martinez continued to kick, jerk and resist officers as he was placed on the gurney. With assistance of the NCPD Officers and NCFD personnel, Martinez was secured to the gurney with nylon four point restraints. Martinez continued struggling while on the gurney.

A Medic on scene held a syringe and Martinez immediately stopped kicking and jerking his body. I could see Martinez's eye lids were wide open and his pupils appeared to be dilated. Martinez was loaded onto the ambulance. Once inside the ambulance we were notified that Martinez

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Dougherty and I follofire station.	wed the amb	ulance. Office	rode in the ambulance to UCSD r Dougherty and I later provided	Medical Cente NCFD person	r while Officer nel a ride back to the
Upon our arrival, Sgt.  Aydelotte requested I  Egt. Aydel  NCPD for processing  nformed	Aydelotte ac speak with the otte additional Refer to the our investigation	lvised he loca ne witness whally told me w CHP 180 For ation, he admi	and I) respond to ted a witness to the above incided to identified himself with a Califore needed to tow white m completed by Officer Doughetted being a witness to the incide	ornia Driver Lie te ———————————————————————————————————	pick up truck to
espond to NCPD wit	n Sgt Aydelo	tte and provid	e a statement.		
While at great above in statement.	I spoke vacident,		and requested she respond to fer to Detective Ybarra's statement	NCPD and prent for informa	ovide a statement tion regarding
While at NCPD, I was aptured on video, usi Disc. The following inditional information STATEMEN	ng a Flip can s a synopsis		The interview was subsequent.  Refer to the impound	ly transferred to	ained in Spanish and to a Staples DVD-R D-R Disc for
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appeared to be	cold contained and City.  ged the flat ties a white male ato the bed of the office the o	re and was sta (suspect) rum cer exited and	the tire shop in National City where had a flat tire and she was stranged the on-ramp and parked his picture children were with her.  Inding next to the driver door of the ning northbound on the ice plant ickup truck, head first.  Tan after the suspect. A second mpt to assist with the apprehensing the stranged of the suspect.	ded on the on- ckup truck in fi	le when he saw what sevenicle. The lice vehicle stop next arrived and also got
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suspect fought with the officers as t and refused to cooperate with the in English; however, could r struck the suspect with what appear handcuffing and controlling the sus	uspect, but the suspect was combative and refused to cooperate. The hey struggled to handcuff him. The suspect continued to be uncooperative itial officers on scene. A third officer arrived, yelled at the suspect in not understand what the officer was saying. The third officer on scene ed to be a with negative results. The officers tried pect, but the suspect braced himself (using his legs) to the bed of the truck g or removing him from the vehicle.
The third officer on scene tased the was not complying with the officers was distracted with opened the tail gate of the truck.	"Calm down they are not going to do anything to him." suspect on his side or back; however, it did not affect the suspect since he a. The suspect was tased again, this time on his leg with negative results. and the children screaming and yelling so that he did not see who lid see three officers pulling the suspect out of the truck. They icle and leaned him over the police car as to search him before placing ontinued resisting and fighting with the officers.
walked up to and requeste	d as he continued resisting the officers. The older looking police officer d his identification with the officer. Speaks neident.
believed the suspect was u officers.	ander the influence of drugs due to his violent behavior towards the
During the interview with were just doing their job."	repeated several times, "The police did what they had to do. They
requested he be contacted at work	and not at his home.
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10081092	A DVD-R disc containing interview.

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LOCATION OF INCIDENT, CITY STATE ZIP											
530 W 215T ST. NATI	ONAL CITY, C	A 91950									

#### **DETECTIVE SUPPLEMENTAL REPORT:**

### Autopsy Report -

On 12/06/12, I attended the autopsy of Manuel Martinez, which was performed by Dr. J. Lucus, assisted by Forensic Autopsy Specialist S. Hannum. Sergeant G. Seward, Detective A. Ybarra, and Crime Scene Specialist L. Kirkendall were also present.

The decedent was presented nude on a metal gurney. The decedent was lying face up with two bands (blue and yellow) attached to his right ankle. The plastic bands listed the San Diego County Corner Case Number 12-02601 and Martinez' name. The autopsy began at 0932 hours.

The decedent passed away at UCSD Hospital on 12/05/12 at 0317 hours. The decedent had medical devices attached to his nose, mouth, neck, both arms, and both hips. Refer to photos and medical records for additional details.

The decedent had numerous tattoos, some of which included -

- Chest "Sweetthing" on right side along with a side profile of a woman, possibly the word "Sammy" on left chest
- Back of neck "OTNC"
- Stomach "OTNC"
- Left arm "Myra"
- Left hand and finger 3 dots on web of left hand, "Myra" on left ring finger
- Left leg (2) women face along with "NC"
- Left shoulder (2) women
- Right shoulder picture of an 8-ball, dragon climbing a wall

(For complete details refer to the photos taken by CSS Kirkendall)

The decedent had two scars -

- Right wrist
- Right forearm

(For complete details refer to the photos taken by CSS Kirkendall)

The decedent had the following visible injuries –

- Head Abrasion over left temple
- Face a small laceration near his right eye (This injury stitched up by hospital staff), abrasion above right eyebrow, abrasion on right cheek, abrasion under chin
- Shoulders Abrasion on both shoulders
- Arms / wrist abrasion to both arms, abrasion to both wrist, abrasion to both elbows
- Legs / knees/ feet -- left big toe nail was removed, right big toe nail was removed, toe nail on right foot (long toe) was almost completely removed, both feet had abrasion, skin near left big toe was pulled away, both knees had abrasions
- Stomach / rib area small amount of bruising on each side

(For complete details refer to Dr. Lucus' findings once his report is complete)

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LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST. NATI	ONAL CITY.	CA 91950				

Dr. Lucas said the injuries listed above were relatively minor and consistent with a struggle. Dr. Lucas was unable to provide a cause of death at the conclusion of the autopsy. Dr. Lucas said he should have additional details regarding the descendant's death in four to six weeks when the toxicology reports return from the lab.

The autopsy ended approximately at 1330 hours. Refer to CSS Kirkendall's report for additional information, including details regarding evidence collection.

## Additional reports from persons attending the autopsy -

Dr. Lucus CSS Kirkendall

End of report Detective W. Walters # 398 NCPD Investigations Division

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530 W 21ST ST, NATIO	ONAL CITY, C	A 91950						

# **DETECTIVE SUPPLEMENTAL REPORT:**

# **ORIGIN:**

On 12/01/12 at about 1120 hours, I was contacted by Detective Sergeant Leach. During this conversation, Sergeant Leach explained that National City Patrol Officers had responded to a reported robbery near 530 W. 21 <sup>st</sup> Street (Trolley Deli) in the City of National City. Sergeant went on to explain that the suspect, Manuel Martinez had attacked the victim, during the commission of a robbery. Sergeant Leach then explained that Martinez fled the area upon the first officer's arrival. Sergeant Leach explained that Martinez was located near the Interstate -5 on ramp from W. 18 <sup>th</sup> Street by officers. Sergeant Leach continued by saying that Martinez struggled with officers on scene and was later detained. Sergeant Leach explained that Martinez was alert and struggling with officers on scene when medical personal arrived. Sergeant Leach completed the conversation by saying Martinez had become extremely ill while in the back of the ambulance. Martinez was later transported to UCSD Hospital for medical treatment. Sergeant Leach requested I respond and assist with the investigation. I arrived at approximately 1200 hours.
INVESTIGATION:
Upon arrival, at 530 W. 21 <sup>st</sup> Street, I met with Officer Sakamoto and Investigator DiZinno. Officer Sakamoto told me that he was securing the scene and pointed out the victim, I noticed face was red and sings of swelling were present around his nose and under both eyes. I cleared the scene and drove toward the Interstate -5 (N/B) on ramp at W. 18 <sup>th</sup> Street.
Upon my arrival, I met with Sergeant Smith who gave me a briefing about the incident. Sgt. Smith told me that two witnesses, and and witnessed the officers arrest Martinez. Sgt. Smith explained both and were at NCPD to be interviewed. After talking with Sergeant Smith, I responded to NCPD to meet with my partner Detective Nagle.
At NCPD, Detective Nagle advised me that Detective Ybarra was en-route and would be the case agent for his incident. Knowing there was going to be a slight delay until all investigative personal arrived on scene, I drove back out to 530 W. 21 <sup>st</sup> Street to pick up for an interview.
Upon arrival, I told Officer Sakamoto I was taking custody of the While transporting to NCPD, I noticed the redness and swelling around his face and nose had gotten slightly worse. Complained about pain to his right elbow. Told me his elbow was sore and he was unable to bend it completely. Upon arrival, at NCPD was placed in an interview room within the investigations division. I assigned Crime Scene Specialist Kirkendall to photograph. Refer to CSS Kirkendall's report for details.

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Ybarra asked me to if ident	create a pho ify his attacl	to line-up in cer.	m with the interview of corporating a photo of Martin	nez. Detective	e Ybarra wanted to see
filer photos. Prior to understood the adm- selected the photo o replied with s	handing onishment. I f Martinez. Y something si	the phot handed When I aske milar to, "I'n	k" or photo array. A photo of tos, I read him a photo line-up six individual photos.  If the was sure this was mone hundred percent sure that in front of the camera, which	admonishments as the suspections is the guy.	ent. stated he ough the photos and t that attacked him,
I also assisted Detect audio and video rector to a CD and impoun	orded using	a departmen	t issued "Flip" camera. The re		of the interviews were re later transferred on
UCSD Hospital. At	about 1030 l	hours, I calle	Ybarra told me that he learne ed UCSD Hospital and spoke on 12/05/12 at 0317 hours.	d that Martin with	ez had passed away at
			niners Office and learned that Refer to my autopsy supplem		
Martinez' mother a 'Flip' camera. The	<i>nd brother).</i> recordings w	The intervious rere later tra	rra with his interview of ews were audio and video reconsferred on to a CD and important additional details.	orded using a ounded at NC	a department issued
who could possibly	help us deter	rmine what l	that Martinez had a girlfriend Martinez had been doing the d was in custody at	days prior to	his death. Using Vomen's Jail.
Martinez since he us	sed her phon	e in the days	her cellular telephone in an at seleading up to his death.	and I wen	nt through the different
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530 W 215T ST, NATI	ONAL CITY, C	A 91950			

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Later the afternoon, Detective Ybarra, CSS Kirkendall, and I went back out to the "Trolley Deli" and the railroad tracks near the deli. We walked the area as CSS Kirkendall took photographs to show the path taken by Martinez after the robbery. Refer to CSS Kirkendall's photos for additional information.

On 12/07/12, Detective Webb and I went to Women's Jail and spoke with The interview was audio and video recorded using my department issued "Flip" camera. The recording was later transferred on to a CD and impounded at NCPD by me. Refer to the statement portion of this report for details.

## **STATEMENT(S):**

Statement of

# dated Martinez prior to her arrest admits that she has had a narcotics problem in the past stated Martinez wanted to marry her

- hasn't talked with Martinez since he went to prison at the beginning of the year
- knows Martinez to be a methamphetamine user
- believes Martinez had mental health issues
- said Martinez at time would go off to his own little world mentally
- said Martinez' home life was very stressful
- only saw Martinez "flip out" one time and that was an argument with his brother,
- knew Martinez to be a quite person that kept to him self

(W) –

- said Martinez was secretive and hid things from her
- tried real hard to be the perfect son
- knew Martinez hung out with a gang member named "Bouncer"
- does not know "Bouncer"
- Martinez told "Bouncer" to watch out for while he was in custody
- only knows Martinez to use methamphetamine
- says about twice a week Martinez would have mental break downs
- says Martinez mental issues would be a result of his stress level
- Martinez never told hat he owed money or carried drugs for anyone
- said Martinez was not aggressive after smoking methamphetamine
- believes Martinez should have been medicated by a doctor for his mental health issues
- did not know Martinez had an issue with his
- Martinez told that he wanted to change his life and become a better man
- Martinez told that he was scared to change his life

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER	
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LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST, NATI	ONAL CITY.	CA 91950				

recognized the name was 'which was tattooed on Martinez as his ex
did not know Martinez on two different occasions

(Refer to CD for complete details regarding this interview)

## **EVIDENCE:**

Tag#

Description:

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Photo Array signed by
10081102
Original photos for photo array
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CD - interview

End of report Detective W. Walters # 398 NCPD Investigations Unit

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CONTINUED FROM	BEAT	DISTRICT	DATE:	DAY OF WEEK	TIME		
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### SUPPLEMENTAL REPORT

### **ORIGIN**

On 12/01/12, at approximately 1016 hours, NCPD Dispatch broadcasted that a 211 PC (Robbery) was occurring now at 530 W 21<sup>st</sup> Street, national City (the deli at the W 24th Street trolley stop). I responded from a few blocks away to assist.

### **NARRATIVE**

On the above date and time, I was working Office of Traffic Safety (OTS) Traffic Enforcement overtime. I was in the area at West 18<sup>th</sup> Street, when NCPD Dispatched broadcasted that a 211 PC was occurring now at the deli located next to the 24<sup>th</sup> Street trolley station. Additionally it was broadcasted that the suspect had a gun or a knife. I was the first officer on scene; I arrived at approximately 1018 hours.

Upon arrival, I observed several people standing outside of the deli and pointing into the shop. From the crowd of people, I heard someone say, "The guy in the store has a gun." I moved into a position where I could see clearly through the south facing entrance door. I could view the cashier area and a doorway/hallway leading into what appeared to be a backroom. I took a telephone booth where I could see an individual who I believed was the suspected, bobbing and weaving in and out of the doorway, drinking a Monster style can beverage and eating and unknown object/substance.

I was approximately 25-30 feet away from the person I believed was the suspect. This individual was either a Hispanic male adult or a White male adult, 28-35 years old, short black hair, black mustache, about 5-09 to 6-00 tall, about 170-190 pounds, multiple tattoos over his exposed skin and wearing a white tank top undershirt and blue jeans. I broadcasted a description of the individual I saw out on the air for arriving units to the scene. I drew my handgun and pointed it at the suspect. I broadcasted, "Give me the air....I have one at gunpoint!"

I ordered the person I believed to be the suspect to the ground at gunpoint, he disregarded my commands as he moved away from the door way. The suspect appeared to be very agitated, paranoid and confused. Based on my training and experience, I believed he appeared to be under the influence of a controlled substance. As I ordered the suspect to the ground appeared to quickly finish the Monster drink he had in his and consume quickly what he was eating.

The store clerk was at my right side approximately 10-15 feet away from me. I asked him if that was the suspect in the store and he said, "Yes." I asked the store clerk if there was anyone else in the store and he said, "No." I asked the store clerk if there was a back way out of the deli and the store clerk old me there was to the north. I put this information out to the officers who were arriving to set up a perimeter. Just as I finished broadcasting the location of a possible exit of the building, Sergeant Meeks broadcasted that he had a subject matching that description running out of the back area behind the deli then onto the trolley tracks west of the deli. I maintained my location until the suspect was apprehended and it was confirmed he was only suspect in the robbery. I then cleared the deli and looked for any other suspects and evidence. I requested officers to assist in the investigation at the scene and to take witness statements.

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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME		
OFFICER'S REPORT ONLY	24		12/1/2012	Sat	10:16	- 11:45	
PRIMARY CODE SECTION PC 211 - ROBBERY				_			
ADDITIONAL CODE SECTION(S)					_		
LOCATION OF INCIDENT, CITY	STATE ZIP						
400 W 22ND ST, NATI	ONAL CITY,	CA 91950					

Upon arrival of Officer Sakamoto to the scene, I relinquished the investigation to him and took the statement of a witness identified as

## **STATEMENTS**

STATEMENTS
Statement (Witness)
was in the deli at the trolley station at about 10:00 O'clock on Saturday, December 1, 2012. was in the area where the potato chips were located. She noticed a Hispanic or White man approach the cashier's counter from the east and begin to lean over the counter where the store clerk was standing on the other side. Said she could hear the man who was leaning over the counter say something, but she could not make out what he said. Said that the man had a silver object in one of his hands (unknown what hand) but could not tell what it was.
The store clerk raised his voice and told the man leaning over the couth the, "Get the fuck out of here" multiple times. Said the store clerk yelled loudly as though he wanted other people in the store to know he was being robbed. All of a sudden, the man leaning over the counter began to attack the store clerk. The store clerk picked up a metal object (latter identified as a hot plate) and began to defend himself by hitting the man who was leaning over the counter with the metal object. Quickly left the store and as she left she could hear crashing coming from within the store.
dentified the suspect as a White or Hispanic male adult, about 5-10 tall, medium build, mustache and black hair, having a lot of tattoos, and wearing a white tee shirt and blue jeans

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PRIMARY CODE SECTION			<del></del>		<u></u>			
PC 245A1 - Assault	with a deadl	y weapon or in	nstrument other than a fir	еагт				
ADDITIONAL CODE SECTION(S)								
PC 212.5(C) - ROBBERY: SECOND DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER								
LOCATION OF INCIDENT, CITY STATE ZIP								
530 W 21ST ST, NATIONAL CITY, CA 91950								

### OFFICER'S SUPPLEMENTAL

On 12-1-12 at approximately 1016 hours, I responded to the 24<sup>th</sup> Street Trolley, to investigate a report of a possible robbery in progress where the suspect (later identified as Manuel Martinez) had either a knife or a gun. While en route to the call, Sergeant Young advised he was on scene and he had the suspect at gunpoint. Sergeant Young advised the suspect was alone and barricaded inside of the store.

I arrived a short time later in the east alley of 2000 Wilson Avenue, trying to block off a potential escape route. As I was pulling in, I heard someone advise over the police radio he saw Martinez running northbound on the trolley tracks. I hurried back to my car and drove out and northbound onto Wilson Avenue. I turned westbound onto West 18<sup>th</sup> Street behind Corporal Klos, and then we turned north onto the I-5 onramp.

Parked along the east curbline of the onramp were a green car and a white pickup truck. Almost immediately as I turned onto the onramp, I saw a subject (Martinez) in a white tee shirt running down through some shrubbery between the trolley tracks and the onramp. Martinez ran directly towards the white truck and, without stopping leapt headfirst into the be of the truck. Martinez' momentum carried his feet almost directly atop his head, and it looked as if Martinez was doing a cartwheel.

Corporal Klos and I parked and exited our cars and approached the truck with weapons drawn. I had my gun in my right hand as I approached the truck. Martinez remained in the truck bed as we got closer. Upon arriving at the truck, Corporal Klos maintained aiming his weapon at Martinez, who had his hands partially above his head, and I decided to try and detain him.

I climbed into the back of the truck and placed my left kneed into Martinez' upper back to help immobilize him. I then grabbed a hold of Martinez' right hand and placed it into a pair of my handcuffs. I told Martinez to give me his other hand and he refused. I again instructed Martinez to place his other hand behind his back, and he again refused, and began trying to pull his right hand from me.

Corporal Klos jabbed Martinez in the left shoulder with his instructing him to put his hand behind his back, and Martinez continued to resist, instead pulling his left arm tighter up against his body in defiance. Refer to Corporal Klos' Supplemental Report for more information on his involvement. Martinez tried to reach his left hand towards his waistband and I believed he was reaching for a weapon. As Martinez had increased his resistance and began to kick even after being struck by Corporal Klos' baton, I decided to try and get Martinez to comply with additional pain compliance.

I then took hold of my with my left hand and struck Martinez in with my right hand, which had not effect. Martinez again refused to comply and continued to try and kick and pull away. I hit Martinez in a second time with my with similar results. Martinez' fingers were constantly fidgeting in a way consistent with my training and experience to be related to drug use, and

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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY PRIMARY CODE SECTION	24		12/1/2012	Sat	10:16
PC 245A1 - Assault	with a deadl	y weapon or i	nstrument other than a firearm	1	
ADDITIONAL CODE SECTION(S) PC 212,5(C) - ROBBERY:	SECOND DEGREE;	PC 69 - OBSTRUCT	/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY		4 01050			
530 W 21ST ST, NATI	UNAL CITY, C	A 31320			<u> </u>
At this time, Sergean				ez' back with his	
			is back. I placed his hand into t		
search of Martinez fo	r possible we	eapons with ne	egative results. I removed a wal	llet from Martine:	z' right rear pants
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			Martinez was advised he was g		
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Corporal Klos remov Klos removed his sho	red Martinez' oe. I next ren	left shoe and noved Martine	ral Klos searched the left. Neith found nothing inside. Martinez ez' right shoe to check his foot a	z began to resist a	gain when Corporal
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			g and refused to comply. Dete		
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continued to kick at a	ma resist om	cers.			
			spit mask, which was applied to control his legs as the med		
gurney,	iui my parui	ors. I continu	ed to control ms legs as the mee	near personner sa	apped mm to the
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Martinez was placed	into the amb	ulance and I e	ntered the ambulance to ride to	the hospital alon	g with Martinez in
the event he awoke a					
			vas on scene, and AMR 494 (pa	ramedics John Pi	rieto and Ahmed
Hluz).		Ü	,	•	
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l rode in the ambular					
	Once at	the UCSD m	edical center, Martinez was wh	eeled into the em	ergency room.
Martinez was treated	briefly befor	re being transp	orted up to the trauma unit.		
REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID# DA	TE AND TIME OF REPORT
Stinnett	452		Ybarra	381.	12/01/2012 14:10

INCIDENT NUMBER CASE NUMBER PAGE SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE 4 OF 1207248 CONTINUED FROM DAY OF WEEK TIME OFFICER'S REPORT ONLY 12/1/2012 10:16 Sat PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S) PC 212.5(C) - ROBBERY: SECOND DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, NATIONAL CITY, CA 91950

While the medical staff was working on Martinez, I overheard to	hem speaking about
While at the hospital, the Trauma Attending On Call was and Resident Nurses and Barawed.	who oversaw Resident Physician  I was relieved at my post at the hospital by Officer

I returned to NCPD where I was later photographed for evidentiary purposes. I also turned in my memory downloaded. I also conducted a walking search of the trolley tracks from the scene of the crime, to the area of the arrest in an attempt to locate a weapon with negative results.

As a result of my involvement in arresting Martinez, I sustained an injury to my right hand. My right hand was tender and there was some swelling. I notified Sergeant Meeks about my injury. Sergeant Meeks filled out some necessary paperwork on my injury. The following day, on 12-2-12, I went to Paradise Valley Hospital to have the injury to my right hand checked out. My hand was x-rayed and there was no fracture found.

There was no further information at the time of this report. This report was completed on 12-1-12 at approximately 1626 hours. Refer to Officer Sakamoto's Crime Report for more information.

REPORTING OFFICER	ID#	DIVISION		ID#	DATE AND TIME OF REPORT
Stinnett	452		Ybarra	381	12/01/2012 14:10



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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY		ļ	12/1/2012	Sat	10:16
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					
PC 245A1 - Assault with	a deadly weap	on or instrumen	t other than a firearm; PC 69 - OBST	RUCT/RESIST EXEC OFFICE	₹
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST 91950					

## OFFICER'S SUPPLEMENTAL REPORT

## **ORIGIN:**

On 12-01-12 at about 1027 hours, I responded to the area of West 18<sup>th</sup> Street and Wilson Avenue to assist officers who advised they were fighting a suspect.

## **INVESTIGATION:**

On the above date, at about 1016 hours, Officers responded to the Trolley Deli at 530 West 21<sup>st</sup> Street reference a possible armed robbery in progress. The suspect fled the scene on officers' arrival, and was located a few blocks away at West 18<sup>th</sup> Street and Wilson Avenue, where he violently resisted officers attempting to arrest him.

I was in the late of the NCPD Gang Enforcement Team. We were on our way back from the downtown San Diego area, southbound on Harbor Drive.

We had just passed the Coronado Bridge, southbound on Harbor Drive, when I monitored a radio transmission by Sergeant Meeks saying, "We're still fighting the suspect!" The location given was the I-5 onramp from West 18<sup>th</sup> Street near Wilson Avenue. I activated my emergency lights and siren and responded 'manual to assist.

I traveled all the way down through San Diego on Harbor Drive, into National City on surface streets and finally arrived on scene on the on ramp, parking behind several police vehicles and a fire truck.

When I was nearing the top of the ramp, I saw several officers trying to control a suspect, identified as Manuel MARTINEZ. Sergeant Meeks, Corporal Klos, Officer Stinnett and Corporal Shepherd were on scene and all attempting to control MARTINEZ. It took several minutes to travel down Harbor Drive and MARTINEZ was STILL violently resisting on our arrival.

MARTINEZ was on the ground, with his hands behind his back in handcuffs. He was thrashing so wildly it took all those officers just to hold him to the ground. I could see Officer Stinnett, trying to hold the suspect's legs down and apply a see that the suspect is legs down and apply a see that the suspect is legs down and screaming incoherently, making almost animal like sounds. He had a lot of blood on his face.

NCFD personnel were on scene. Sergeant Meeks told me they were attempting to control MARTINEZ' violent resistance enough to put him on a waiting gurney and have medics evaluate him. However, MARTINEZ only continued to wildly and violently resist. I could see the officers attempting to control MARTINEZ were sweating and appeared exhausted.

I assisted by helping to hold MARTINEZ to the ground while a set of hinged handcuffs were applied. His wrists were discolored and bruised from where it appeared he had been twisting and pulling on the handcuffs.

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Dougherty	367	NPT	Rounds	360	12/01/2012 16:44

INCIDENT NUMBER			PAGE	CASE NUMBER	
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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
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LOCATION OF INCIDENT, CITY	STATE ZIP		<u> </u>		
530 W 21ST ST 91950					

I was surprised by MARTINEZ' strength. He did not appear to be big enough to display the strength I felt as I tried to hold him down. It took all of my body weight pressing down on his left leg to keep him from lifting it up off the ground. The whole time, officers kept telling him to relax and stop fighting, though it had no effect on MARTINEZ.

Once MARTINEZ was secured in the second pair of handcuffs, I assisted in helping to lift him onto the gurney. He continued to fight, even on the gurney. Medics secured him to the gurney with nylon four point restraints and he continued to violently struggle.

The entire time I was on scene, MARTINEZ never stopped struggling. The entire time I had hands on him, I never felt him relax or loosen up.

MARTINEZ was transported to UCSD Medical Center. Officer Stinnett rode with medics in the ambulance, and I drove his police car to the hospital.

I later responded to Street in San Diego. Sergeant Aydelotte requested I tow a truck back to NCPD for processing. The truck had been at the scene where MARTINEZ was arrested, and MARTINEZ had jumped into the back of it when he was fleeing from police, leaving what appeared to be bloodstains in the bed.

I had the truck towed by Moynahan's Towing to the underground parking facility at NCPD.

I was later assigned to document a statement from one of the NCFD firefighters that had been on scene.

The owner of the truck had also been on scene and volunteered to go to NCPD to provide a statement.

I met with NCFD firefighter Michael Sosamon in the Investigations Division at NCPD and documented his statement.

For further information, refer to attached police reports.

## STATEMENT:

Michael SOSAMON (Firefighter/ Paramedic)

Michael Sosamon is a firefighter/ paramedic with the National City Fire Department. He was on duty on 12-01-12, assigned to truck 34. He was the only paramedic on truck 34.

At about 1020 hours, Sosamon responded to the West 18<sup>th</sup> Street onramp to the I-5 reference a call to assist police with an injured, combative suspect.

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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST 91950					

On arrival, there was a police car on the on ramp. Several officers were on the ground in the street near the police car, struggling with a suspect (MARTINEZ). MARTINEZ was face down on the street, in handcuffs, but was violently resisting. He was fighting with the police so badly, it took all the officers on scene just to hold him down.

MARTINEZ was yelling and moaning loudly, but nothing intelligible. The police kept yelling, "Stop resisting!"

Medics arrived with a gurney and police loaded MARTINEZ onto the gurney, while he was still violently struggling. Sosamon and the other firefighters on his truck all helped to hold MARTINEZ down and secure him in restraints to the gurney. MARTINEZ was very strong and it was hard to hold him down.

From Sosamon's training and experience, MARTII Sosamon has seen a lot of combative patients, and		ut MARTINEZ was one of the most
MARTINEZ did not know the medic crew on scentaller, white male and the other was a very short materials.		
	•	
MARTINEZ still had a pulse and was loaded onto	the ambulance.	
in the ambulance to UCSD medical center to assist		Sosamon rode with medics
MARTINEZ was taken into the Emerg	ency Room for furt	her treatment.

Name and Address of the Owner, which was not to the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, where the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, which is the Owner, whi					
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## **OFFICER'S SUPPLEMENTAL**

On 12-1-12 at approximately 1230 hours I went to UCSD hospital in Hillcrest to relieve Officer Stinnett and stand by to obtain a blood sample from Manuel Martinez (SUSPECT). At approximately 1300 hours, a phlebotomist arrived at the hospital and blood samples were obtained at approximately 1315 hours. I also took several photographs of Martinez at the hospital.

At approximately 1640 hours, Detectives Walters and Ybarra arrived at the hospital to obtain additional information regarding Martinez' status from hospital staff. I cleared the hospital at approximately 1700 hours. I transferred the photos onto a CD-R disk and impounded the blood evidence and CD-R into evidence at NCPD.

## **EVIDENCE:**

I0081480 BLOOD SAMPLES I0081481 PHOTO CD-R

INCIDENT NUMBER				N DIEGO F		PAGE	CASE	NUMBER
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On 13	)_∩1 <sub>-</sub>	_12 of	about 1120	Taring of	alled to NCPD to as	naint in the Caller.		
investigatio	nn of	·a roht	accul 1150 nerv that hav	i was ca Linet oo	curred. The suspec	ssist in the follow t (Monual Martin	up	ad
sustained so	ome	iniures	ory mai nat during the	course a	of the robbery and	orrest and had	ez) II	au
Sustaniou p	He	was h	eing treated	l at LICS	D. I came to NCPI	To meet with of	her N	CDD
detectives.			ving avaive	ui OCD	D. 1 came to 1401 1	J to most with or	HOL IN	CLD
Detec	tive	Walter	rs had locate	d the vi	ctim of the robbery	and and	l drov	ve him to
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					form.			o be
treated at G	ross	mont I	Hospital but	he was	not sure. I listed G	rossmont Hospita	ıl and	all other
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					briefing related to t			
					nce. I ran a record'			
			f		in National City w			
					t parole still had cu			1im
					ess and knocked or	the door. A mal	_	
					got his		,	then came
					ere. She said he had			
					et a bed at a drug t			old me
				ould take	Manuel about two	o weeks to be abl	e to g	et a bed at
a drug treat	men	t iaciii	ty.					
		me N	Januel was	sleening	g on the couch in th	e living room an	d he (	did not
have a sena	rate				o rooms in the hou	_		
had the othe				-		ould also sleep in		
living room					urrently hospitalize	_		I
~					house and she that			
					search form, see No			100 114 10
			_				- <del>-</del>	
			was a sing	le detacl	hed, single story re	sidence. The hou	se is a	small and
					one kitchen and a l	iving room. Ther	e was	a front
yard, side d	rive	way on	the north a	nd rear	yard.			

INCIDENT NUMBER

REPORTING OFFICER ID:	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER	1	5	SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICI	ER'S REPORT NARRATIVE	2 OF 7	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
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PC 245A1 - Assault	with a dead	lly weapon or	<u>instr</u> ument other than a firear	·m	
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY.	CA 91950	•		

showed me an area in his room where he had let Manuel store some of his belongings. This was in the south/east corner of the room. I saw there were minimal items of clothing and miscellaneous paper work. I searched the house and located a cell phone in room. Said that was not his phone and it did not even work. He said his mother had given it to Manuel. I collected that phone. I collected some miscellaneous papers and mail from that area. Salso said Manuel would hang some clothes in the closet. I searched the closet and located some other papers for Manuel and collected those. I searched the couch area and did not locate anything else. Officer Dougherty searched the bathroom, kitchen and exterior but did not locate anything of significance. Detective DiZinno took photos of the house, inside and out, refer to his photos for details.

Neither had nor had seen Manuel using drugs. It did say Manuel had trouble sleeping at night. Said Manuel was complaining of an issue with his wisdom teeth on his right side. Said his jaw was swollen and had a lump on it. She did not think he was taking any medication for it. They had not seen Manuel with any guns. They had not seen Manuel acting bizarre. Said Manuel did not have a cell phone, a job, a girlfriend, a car or a computer. She said he would walk to get around. Manuel did not have a bus pass yet. Said Manuel would use her cell phone upon occasion thought Manuel left the house at about 0830 to 0930 today. She thought he was going to go see his Probation Officer.

Later, on 12-01-12, I interviewed one of the fire fighters who responded to the scene to treat Martinez. I interviewed him at the investigations' area of the police department.

### Statement of O. Aguirre: (Witness)

- Aguirre was working Truck 34B this day
- He received a call to "evaluate for PD" at 18th St. and Wilson Ave.
- The driver of the fire truck parked behind the police car
- Aguirre saw the suspect (Manuel Martinez) on the ground near the right / front of the police car
- There were four officers on him
- Martinez was fighting the police
- Martinez was face down but Aguirre could not see if he was handcuffed but thought he may have been
- Aguirre was kicking and moving his head all around
- Martinez did not say anything

REPORTING OFFICER	(D#	DIVISION	APPROVED BY	1D#	DATE AND TIME OF REPORT
Nagle	371		Leach	310	12/01/2012 16:10

INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER
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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, NATI	DNAL CITY, C	A 91950			

- The officers were yelling stop resisting
- Aguirre was standing by waiting so he could treat Martinez
- Once the medics got there, Aguirre got the backboard from the ambulance in anticipation of needing that
- Once Martinez was able to be restrained, the plan was to load him to the backboard and use restraints on him
- At one point they were able to maneuver Martinez to the backboard and began to strap him down. This took place near the back of the police car
- There was a set of from that the officers had put on Martinez so they took those off
- They got one arm restrained then
- . They were able to finish restraining Martinez at that point
- Aguirre saw Martinez had a small cut to the area of his right eye and his toes
- They put a spit mask on Martinez because he was spitting when the officers were trying to restrain him
- They put the backboard on the gurney
- Aguirre saw Martinez's
- Aguirre checked and Martinez still had a pulse
- He notified others and they immediately transported to UCSD
- During the drive to the hospital, Aguirre reassessed and realized Martinez
- Martinez did not say anything during the drive to the hospital
- Aguirre believed Martinez
- He described Martinez as being over the edge

On 12-5-12, I talked with Probation Officer William Young reference Martinez. Young told me that Agent E. Armas will be the primary supervising agent but she was unavailable so Young provided me the information I needed.

- Martinez was released from prison on 11-27-12
- Reported to the Hall of Justice on 11-29-12 for mandatory report in
- Martinez was asked if he needed drug treatment and he said no
- He was not drug tested which is normal
- Martinez listed his home address as with a phone number of

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	£D#	DATE AND TIME OF REPORT
Nagle	371		Leach	310	12/01/2012 16:10

INCIDENT NUMBER		S	AN DIEGO REGIONAL	PAGE	CASE NUMBER
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- Martinez has previously reported health issues to his probation officer such as problems with his
- It was noted in Martinez's file he was an intravenous drug user in prison
- Martinez called the NC probation office on the 30<sup>th</sup> and left a message asking when he needed to report
- Martinez has not reported to the office as of the date of this incident

I talked with Agent Armas who told me she had talked with Martinez on the phone. She told me he sounded sober at that time. She said she had not yet been able to meet with Martinez or set a date to meet him, which was pending.

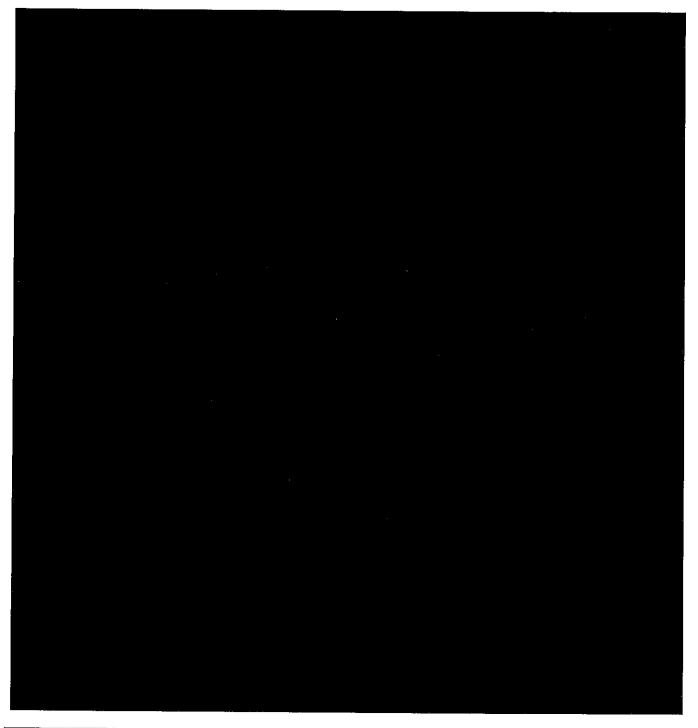
On 12-6-12, I reviewed the items I collected from Martinez's living area. There was a bottle The prescription listed Martinez's name and was filled at Donovan Prison. There were 30 pills and only one appeared to be taken (29 remained). There was These items had recovered from the top of the speaker in Robert's room. There was a LG / Verizon cell phone I recovered. I reviewed that phone and saw in case of emergency contact El Cajon # listed was at The name card for the phone was with an address of I called the which was disconnected. I called who told me he knew but St. four months ago. lived there for about six months thought may be in drug rehab. I called message but she has never returned my call. At this point, I am unable to determine if Martinez was allowed to be in possession of this phone or if it was stolen.

I located other papers which listed gang members' names, phone numbers and addresses. I made a copy of them, see attached. I also located an MTS trolley pass dated 11-27-12 at 10-46AM from the Iris St. trolley. This is the date Martinez was released from prison.

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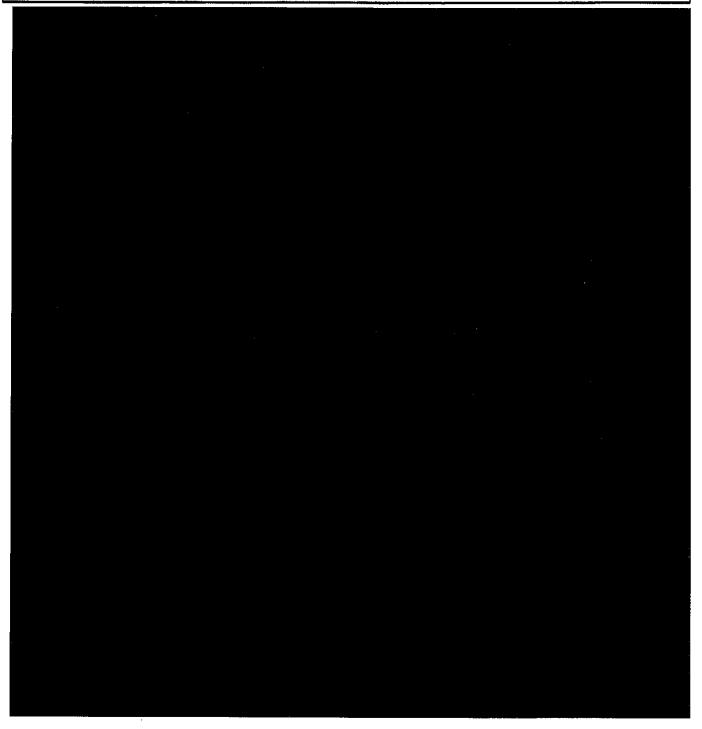
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### MANUEL MARTINEZ BACKGROUND



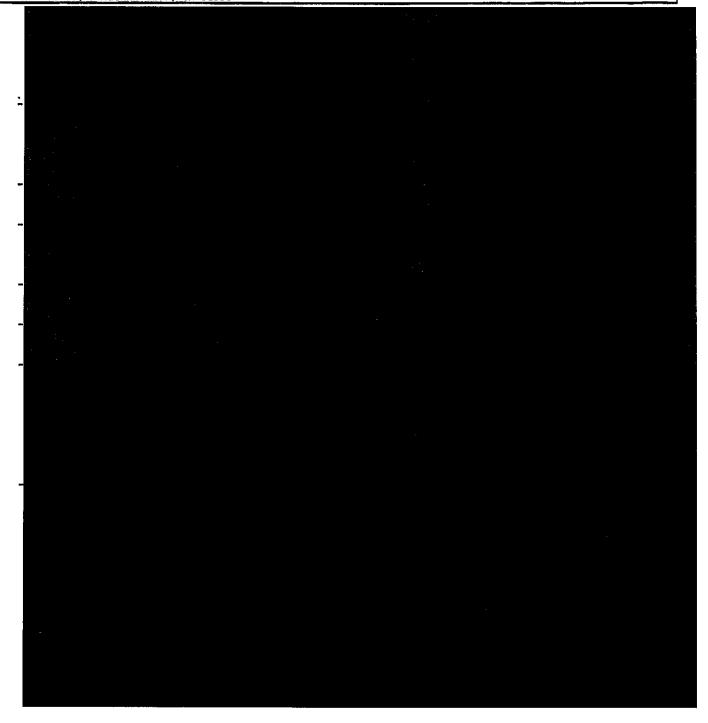
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				6 OF 7	1207248
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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY,	CA 91950			



REPORTING OFFICER	(D#)	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Nagle	371		Leach	310	12/01/2012 16:10

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CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
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REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT	
Nagle	371		Leach	310	12/01/2012 16:10	

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PC 212.5(C) - ROBBERY:	SECOND DEGREE;	PC 69 - 08STR	UCT/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY. C	A 91950			

#### **OFFICER'S SUPPLEMENTAL**

On the listed time and date, the Eat and Go Trolley Deli was robbed by a subject later taken into custody after fleeing from officers. I was asked by Sgt. Leach to deploy my Police Service Dog (PSD) "Seven" to conduct an article search for any weapons the suspect might have discarded while fleeing from officers. I arrived on scene at approximately 1441 hours. I was briefed by Sgt. Meeks and Corporal Klos where the subject was seen running. There were two separate areas they requested I searched with my PSD.

I deployed my PSD "Seven" just west of the 21 St Street trolley along the east side of the trolley tracks and gave him the command to search. PSD "Seven" searched the area in a northern direction for approximately 100 yards and did not locate any kind of weapon or evidence. I drove to the second area which was the on ramp for I-5 Northbound from 18<sup>th</sup> Street on the east side of the off ramp. I deployed "Seven" and gave him the command to search. "Seven" searched the area, however he did not locate any weapon or any evidence. I advised Sgt. Leach my search was complete. Please refer to Crime/Arrest report for further.

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INCIDENT NUMBER			AN DIEGO REGIONAL R'S REPORT NARRATIVE	PAGE 2 OF 4	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT	24	•	12/1/2012	Sat	10:16
ONLY	<u></u>			<u></u>	
PRIMARY CODE SECTION PC 245A1 - Assault	with a dead1	ly weapon or	instrument other than a firear	m	
ADDITIONAL CODE SECTION(S)		•			
PC 212.5A - ROBBERY: FI	RST DEGREE; PC	69 - OBSTRUCT	/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, NATI	ONAL CITY, C	A 91950			

#### **OFFICER'S SUPPLMENTAL**

On 12-01-12 at about 1016 hours I heard officers being dispatched to a robbery in progress. The call was updated where a person was possibly shot. I began driving to the scene when I heard Sgt. Young say over the police radio that he had one at gunpoint. Sgt. Young updated the situation by saying there was a single suspect and he had now barricaded himself in a back room.

As I drove into the area I saw a male, later identified as Manuel Martinez, running northbound through a small parking lot. Martinez was wearing a white tank top and was heavily tattooed and matched the general description of the suspect.

I exited my police car, however lost sight of Martinez for a moment as workers, who were working in the parking lot fled the area Martinez was in. I radioed Martinez' last location and direction of travel. A few moments later I heard another officer say Martinez was running northbound on the trolley tracks.

I entered my police car and began driving northbound on Wilson Ave, paralleling Martinez direction of travel in case Martinez turned eastbound. After several moments I heard Corporal Klos radio he was taking one into custody. I drove westbound on 18<sup>th</sup> St, then northbound onto the on ramp for Interstate 5.

I saw two police cars stopped in the lane, next to a blue car and a white truck. I saw Officer Stinnett in the bed of the truck and Corporal Klos standing on the driver's side. Both officers were actively engaged in taking Martinez into custody (See supplemental reports).

As I exited my police car I could see Martinez flailing around in the back of the truck as if fighting with Officer Stinnett. Officer Stinnett and Corporal Klos were both yelling at Martinez to stop resisting and surrender his left hand.

As I walked closer I could see Martinez would not surrender his left arm and co	ntinued to pull and kick toward
Officer Stinnett. I removed my from the holster, then	I delivered a to
Martinez' upper back. This was completely so I delivered another	to Martinez' back, but again
this man and a supplied my man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man and man	to see if my was
working properly.	

I then delivered a third to Martinez' to lower back. This was effective and I heard Martinez cry out and then released his left arm, allowing Officer Stinnett to handcuff him. Officer Stinnett exited the truck bed and opened the tailgate. Martinez was pulled out of the truck bed and assisted to his feet in order to be walked to a police car. At this time I could see Martinez was bleeding from a wound to his forehead.

Martinez suddenly slumped to the ground and would not respond to officers commands. I assisted officers lift
Martinez to his feet as they walked him toward a police car. I turned away and attempted to speak to the witnesses,
who were parked along the curb. I began to obtain the information from and the whole originally told
me her last name was also when I heard a commotion.

REPORTING OFFICER	(D#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Meeks	375		Ybarra	381	12/01/2012 15:40

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INCIDENT NUMBER			N DIEGO REGIONAL		PAGE	CASE NUMBER
CONTINUED FROM	BEAT	OFFICER	'S REPORT NARRATIVE		3 OF 4 DAY OF WEEK	1207248
OFFICER'S REPORT ONLY	24		12/1/2012		Sat	10:16
PRIMARY CODE SECTION PC 245A1 - Assault	with a deadly	/ weapon or i	nstrument other than a f	irearm		
ADDITIONAL CODE SECTION(S) PC 212.5A - ROBBERY: FI						
LOCATION OF INCIDENT, CITY	STATE ZIP		ESTST EXEC OFFICER	<del></del>		
530 W 21ST ST, NATI	ONAL CITY, CA	91950				
began to raise h was killed!!" Since able to get their person	was now	becoming a	distraction to the situation			my first husband leave. I was
ground and kicking a	nd attempting	to turn over	icer Stinnett again struggl I walked over and heard I reached around his body	Martinez s	ay, "I'm Ghos	t. I have a
band, I placed my foo	ot on the back	of Martinez	or turn any further, since neck and upper back area ting to push his body up.			
one point, yelling "I a constant pressure in c and stomp Martinez.	got a weapon. order to contro I had to readj owuld cause	" I continued of the upper b ust several tin	ch into his waist band, in to push Martinez' upper lody and stop Martinez fromes as Martinez continued to move, which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a stop which I was a s	body and h om moving d to flail an	ead down with . At no time di d kick. When i	n my foot. I kept id I raise my foot Martinez was
			nd attempted to assist by let effective due to Martine			nd attempting to
administered a directly on Martinez'	to his low wrist and aga	ver back. Thi iin delivered		fartinez rel	on Martinez. easing his han	I placed my
to secure him. I saw I against the handcuffs Corporal Klos to plac	Martinez was I asked if an the the the the the the the the the the	pulling his hayone had hin market on Market below to twist him	body where I again placed ands apart to the point I co ged handcuffs, which Cor tinez. I did this to limit the s hands back and forth po	ould see his poral Klos e movemen	s hand turning did. I asked O at of Martinez'	red as he strained Officer Stinnett and hands,. With
bodyweight over Mar someone tell me, "Wa	tinez, This watch out, he's mouth open ir	as semi effec trying to bite n an attempt t	on I pushed down tive in securing Martinez, you." I looked down and o bite my left hand, which area of Martinez.	, however v I saw indee	vhile holding f d Martinez wa	nim I heard s turning his head

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INCIDENT NUMBER PAGE CASE NUMBER SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE 1207248 OF CONTINUED FROM BEAT DAY OF WEEK OFFICER'S REPORT 24 12/1/2012 Sat 10:16 ONLY PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S) PC 212.5A - ROBBERY: FIRST DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, NATIONAL CITY, CA 91950

After several minutes paramedics arrived and assisted Corporal Klos and Officer Stinnett in placing Martinez on the gurney. Martinez continued to struggle as paramedics, police and fire secured him to the gurney. I watched a one paramedic prepared

A moment later I looked over and saw Martinez was strapped to the gurney; as a spit mask had been placed over Martinez face and it was covered in blood, however Martinez had a fixed gaze and was just staring straight ahead with his eyes wide open. I believed that was the effect of the Martinez was wheeled to the ambulance, where I was then told Martinez was driven by ambulance to UCSD Hospital, where he was the time of this writing.

At about 1430 hours I along with Corporal Klos and Officer Stinnett walked from the original crime scene along the trolley tracks looking for any weapons or items Martinez may have thrown. We had negative results.

Based on this incident I gave my to Detective Wilkins. Detective Wilkins took possession of the

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INCIDENT NUMBER		S	PAGE	CASE NUMBER	
		OFFICER	R'S REPORT NARRATIVE	1 OF 1	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT	24		12/1/2012	Sat	10:16
ONLY					
PRIMARY CODE SECTION					
PC 245A1 - Assault	with a dead	ly weapon or	instrument other than a firearm		
ADDITIONAL CODE SECTION(S)				·	
PC 212.5(C) - ROBBERY:	SECOND DEGREE;	PC 69 - OBSTR	UCT/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY	STATE ZIP	•			
530 W 21ST ST, NATI	ONAL CITY,	CA 91950			

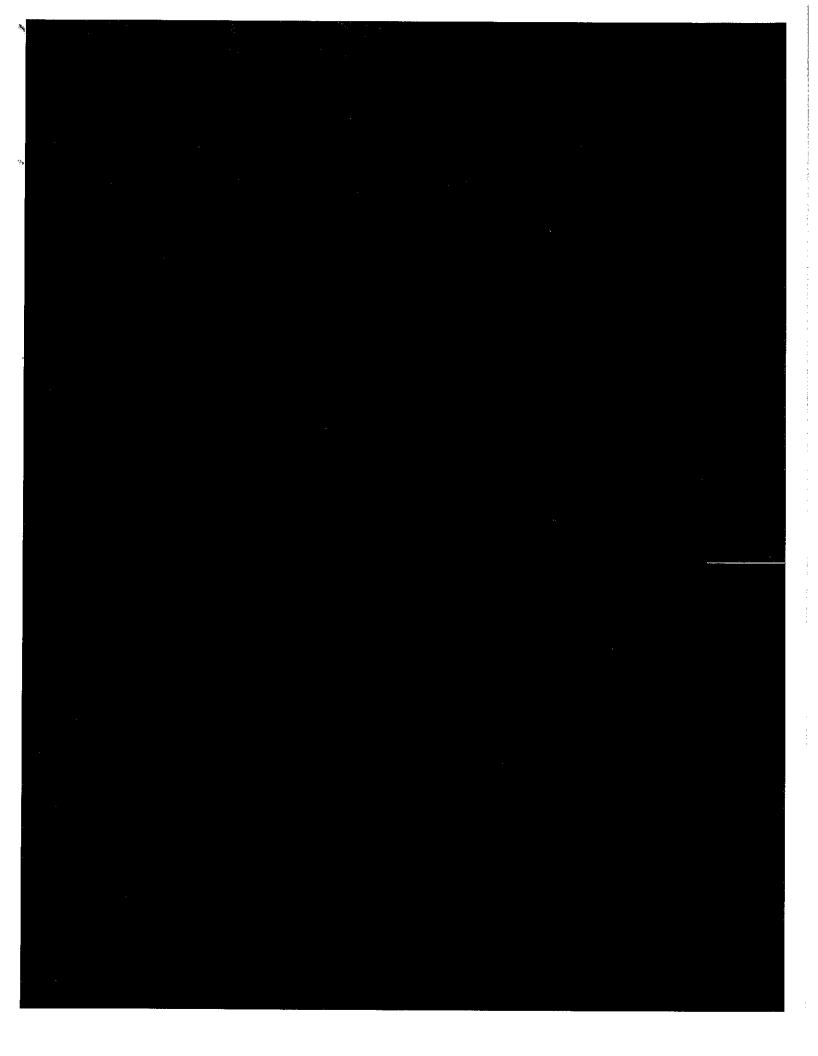
#### Officer's Supplemental Report

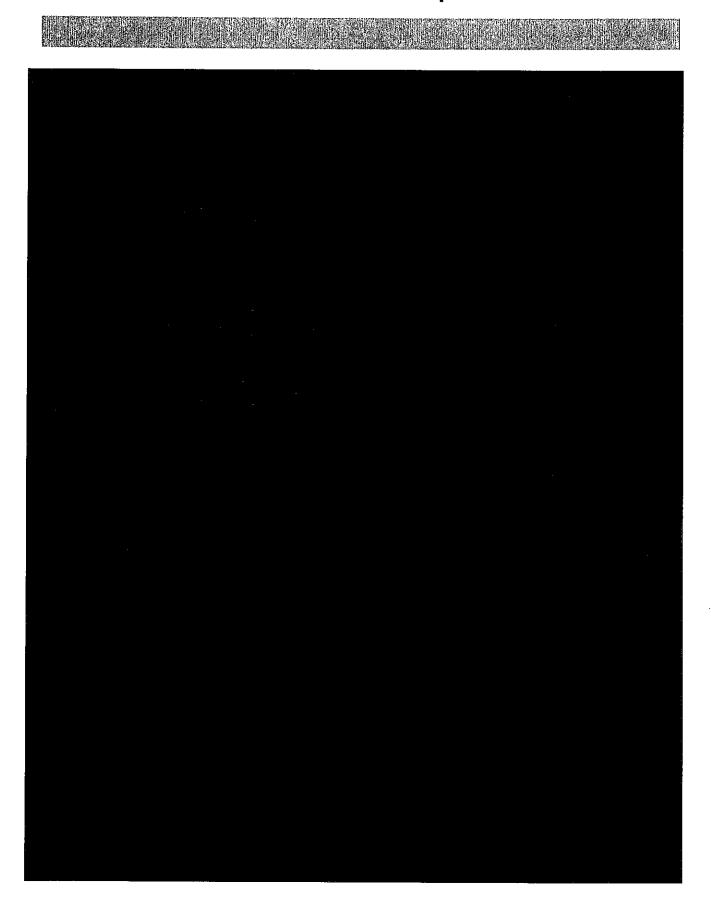
On 12-01-12, at approximately 1115 hours, I responded to the area of W. 18 <sup>th</sup> Street under Interstate 5 to assist fellow officers with an ongoing investigation involving a robbery that had occurred at the Eat & Go Trolley Deli, 530 W. 21 <sup>st</sup> Street. When I arrived, Sergeant Meeks asked if I would attempt to locate two possible witnesses to the incident. Sergeant Meeks requested that I respond to and attempt to locate and attempt to locate and a female named Sergeant Meeks also requested that I attempt to locate white pickup truck. Apparently, the suspect in the case had jumped into the bed of the truck while fleeing from police.
At approximately 1128 hours, I made contact at the state of the front door by the state of the first door by the state of the first door by the state of the first door by the state of the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the first door by the firs
When we arrived at the shop, desired directed me to a white pickup truck (CA that was parked at the business. When I looked in the bed of the pickup, I saw what appeared to be blood on the floor. Officer Dougherty, who came with Sergeant Cordero, completed the impound paperwork on the truck and later had it towed to NCPD as evidence.
While speaking with Sergeant Cordero was able to get 's speaking full name and her phone number. Sergeant Cordero called and requested that she respond to NCPD. The agreed to come down to NCPD and provide a voluntary statement. I transported to NCPD. I left with Investigator DiZinno in the Investigations Division.
I then made contact with the lobby of the police department. I explained to that detectives would like to take a statement from her in regards to the incident. Said to me, "That guy was on drugs" and went on to say that she was scared for the safety of her children.
End of Report

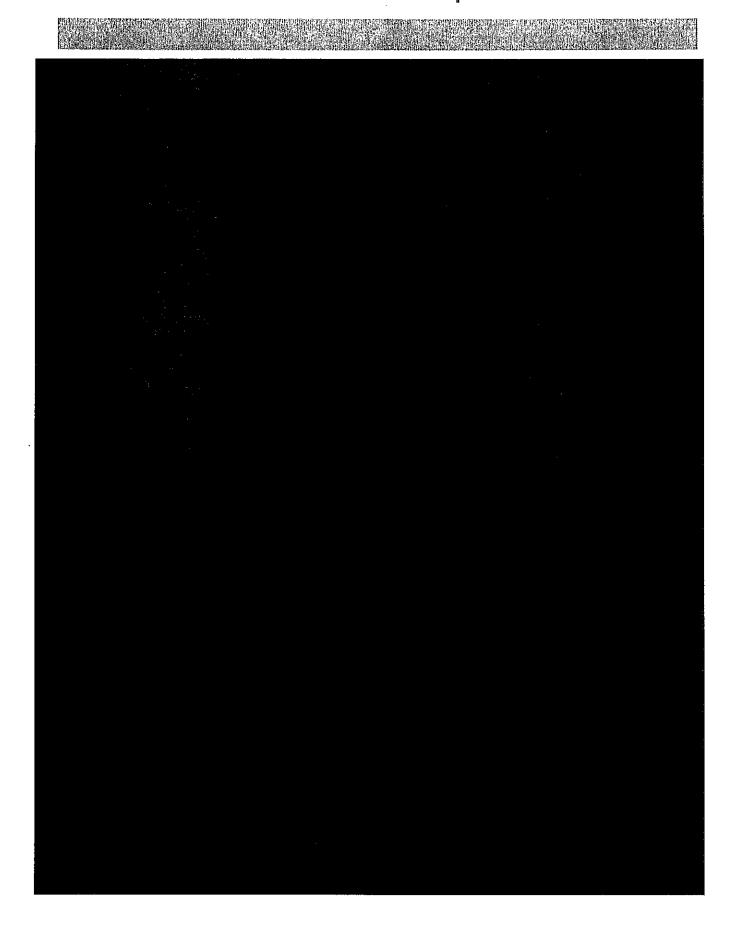
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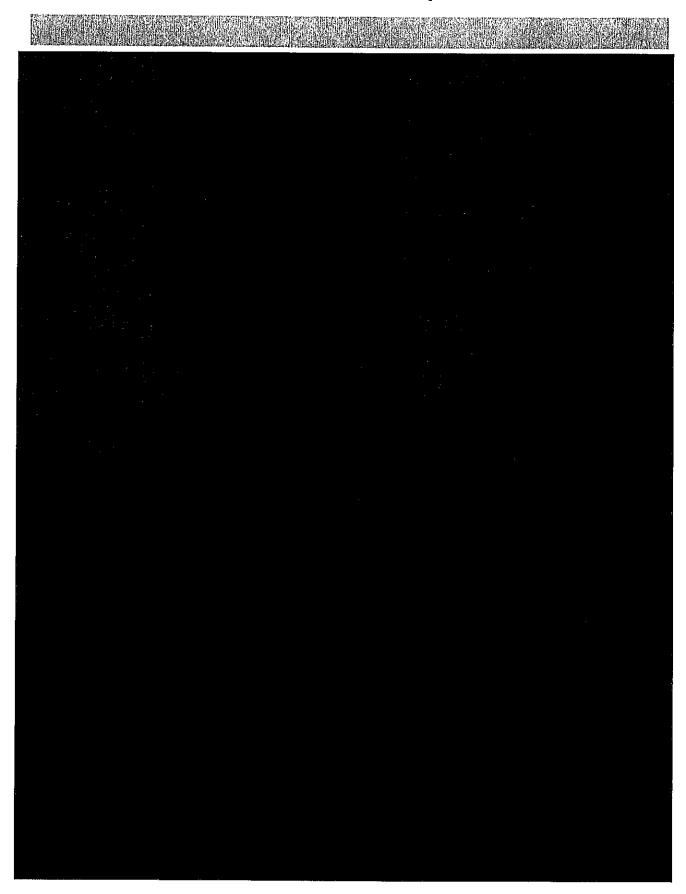
CASE #: 120 7248

# NATIONAL CITY POLICE DEPARTMENT HOMICIDE / MAJOR CASE INITIAL RESPONSE REPORT

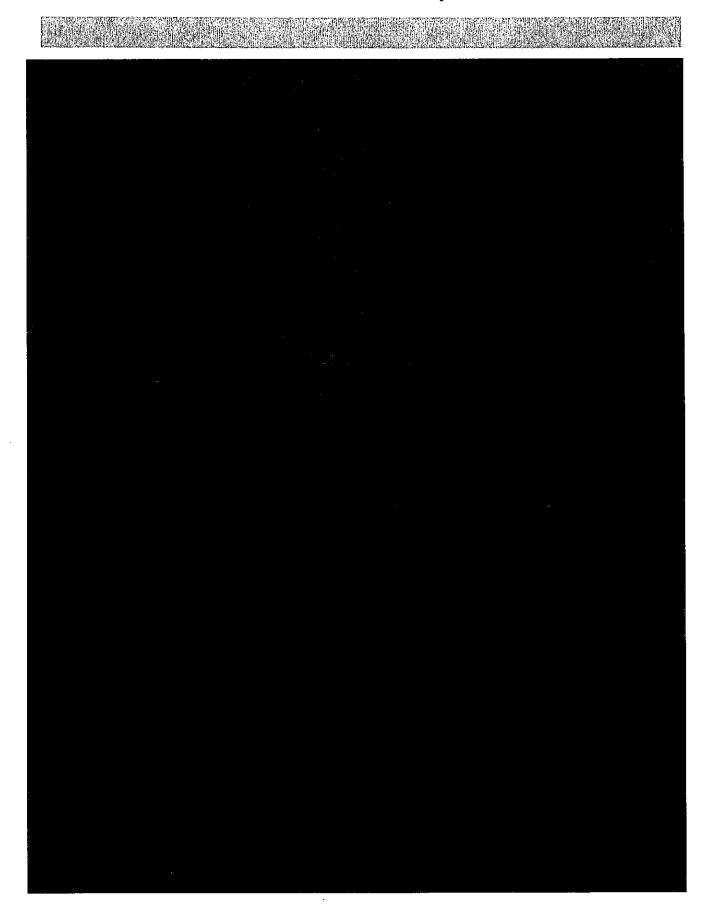


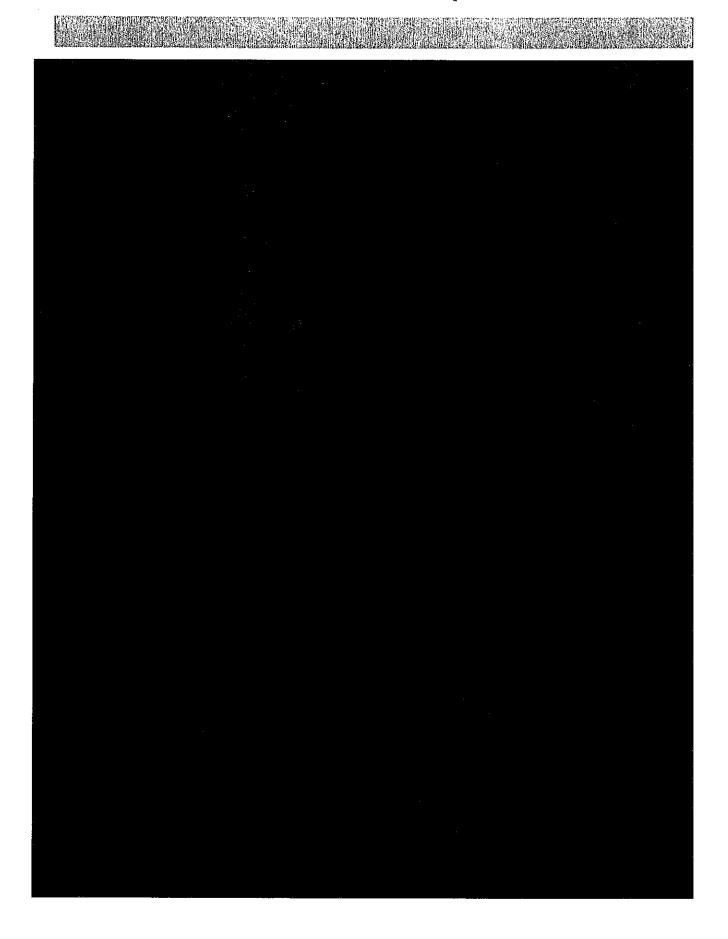












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#### National City Police Department Records Division

Fax Transmission Cover Sheet

Date: 12/11/12

To: Medical Framiner Fox #: 858 6948975

Atm: Mark Malatos

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Reference: Manual Martinez

National City Police Department 1200 National City Boulevard National City, CA 91950 Phone (619) 336-4400 Fax (619) 336-4454

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#### National City Police Department Records Division

Fax Transmission Cover Sheet

Attini Poxana Baeza

m. UGonzales 48571

Reference: 1207-248

Date: 12/1/12

Total pages including 12

National City Police Department 1200 National City Boulevard National City, CA 91950 Phone (619) 336-4400 Fax (619) 336-4454

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### National City Police Department Records Division

1200	Fax Transmission Cover S	3heet
		Date: 12/11/12
To: Medi	cal Examiner	Fax #: 858 694 89
•	malatos males#8071	Total pages including the cover sheet:
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National City Police Department 1200 National City Boulevard National City, CA 91950 Phone (619) 336-4400 Fax (619) 336-4454

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## FAX

## County Of San Diego Office of the Medical Examiner

5555 Overland Ave., Bldg 14, San Diego California 92123-1219 Phone: (858) 694-2905

Fax: (858) 694-8975



DATE:

December 5, 2012

1207248

TO:

National City Police Department

ATT:

Records Division

FROM:

Mark R. Malamatos, Investigator

RE:

Manuel Martinez - DOB

M.E. Case: 12-2601

The San Diego Medical Examiner's Office is requesting a copy of the incident report regarding Mr. Martinez that occurred on December 1, 2012, during the late night/early morning hours,.

Thank you in advance for your assistance.

Sincerely,

Mark R. Malamatos, Investigator II

San Diego County Medical Examiner's Office

(858) 694-2905





### National City Police Department Records Division

Fax Transmission Cover Sheet

	Date: 12/11/12
To: MTS	Fax #: 615 231 676
Attn: Roxana Baeza From: MGON2ales 148071	Total pages including the cover sheet:
Reference: 1207248	

National City Police Department 1200 National City Boulevard National City, CA 91950 Phone (619) 336-4400 Fax (619) 336-4454

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Transit Enforcement Department 1255 Imperial Avenue, Suite 1000 San Diego, CA 92101-7490 FAX: 619-231-6760

#### FACSIMILE TRANSMITTAL SHEET

#### To: San Diego Police Department

Date	December 10, 2012
Attention	Records Division
Company	National City Police Department
City	San Diego
Fax No.	619-336-4454

From: MTS

Name of Sender	Roxana P. Baeza
Department	Transit Enforcement
Phone No.	619-595-4915
Fax No.	619-231-6760
Email	Roxana.Fernandoz-Baeza@sdmts.com
No. of Pages (including cover sheet)	2

#### Comments:

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Thank you and have a nice day, Roxana ©
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If you do not receive the entire transmittal, please contact the above mentioned number.



Transit Enforcement Department 1255 Imperial Avenue, Suite 1000 San Diego, CA 92101-7490 FAX: 619-231-6760

December 10, 2012

National City Police Department 1200 National City Boulevard National City, CA 91950-4302

Dear Sir or Madam:

This letter is to request a copy of the police report for the following incident:

Date:

12/01/2012, 10:38

Location:

18th Street @ Wilson St, National City (Trolley Other Property)

Suspect(s):

Unidentified

DOB:

Unknown

Victim:

DOB:

Unknown

PD Officer(s): Sakamoto - ID #439 or ?????

PD Inc/Case#: 12-07248

Charges(s):

211 PC Robbery

Reports:

Arjis-8 (Arrest) and/or other related reports

Please forward a copy to me at the address on the letterhead at your earliest convenience or fax it to me at 619-231-6760. If you have any questions, please contact Roxana F. Bacza at 619-595-4915.

Sincerely,

Fol. Stephanie Murphy

Security/Crime Analyst



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ADDITIONAL VICTIMS/WITNESSES/OTHERS							PAGE 4	O۶	10	Cross Nome		07248				
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INCIDENT NUMBER					PAGE   CASE NUMBER   1207248								
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		OFFICI	ER'S REPORT NARRATIVE	7 OF 10	1207248						
CONTINUED FROM	BEAT .	DISTRICT	DATE	DAY OF WEEK	TIME						
CRIME	24		12/01/2012	Sat	10:16						
PRIMARY CODE SECTION					•						
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ADDITIONAL CODE SECTION(S)											
PC 212.5(C) - ROBBERY:	PC 212.5(C) - ROBBERY: SECOND DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER										
LOCATION OF INCIDENT, CITY	OCATION OF INCIDENT, CITY STATE ZIP										
530 W 21ST ST. NAT:	IONAL CITY, C	A 91950	•								

#### **SYNOPSIS:**

Manuel Martinez (Suspect) entered the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. Martinez went behind the front counter and punched the Victim at least two times on the right side of his face forcing the Victim to the back room resulting in complaint of pain to his left cheek. Martinez pushed the Victim against a freezer resulting in scrapes on the Victim's shins and complaint of pain to his elbows. Martinez then threw a laptop computer striking the Victim on the back of his head.

Martinez ran to the customer area and tipped over several shelves. As the Victim ran outside for help, Martinez took a pack Camel cigarettes and a lighter from the display rack, opened the pack and lit a cigarette. Martinez also took a beverage from the display which he drank as police arrived on scene.

Martinez fled through the rear of the store and ran northbound along the train tracks to W. 18<sup>th</sup> Street where he was taken into custody. Martinez was taken to UCSD Medical Center for medical treatment.

As a result of Martinez' violent behavior during his apprehension, Officer Stinnett and Corporal Klos sustained some injuries.

#### **ORIGIN**:

On 12/01/12, at about 1016 hours, I responded to a call of an Armed Robbery in progress at the Trolley Side Deli & Minimart located at 530 W. 21<sup>st</sup> Street in National City. NCPD Dispatch advised over police radio that the Suspect was reportedly armed with a knife or gun and was still inside the business and unknown injuries to the Victim. The Suspect was described as a White or Hispanic male in his 30's, with tattoos, wearing a white t-shirt and blue pants.

#### **INVESTIGATION:**

Sergeant Young advised over hi	s police radio he had the Suspect, later identified by his California Identification Card
as Manuel Martinez	who was barricaded inside the rear of the Trolley Side Deli & Minimart at gunpoint.

Upon arrival, I saw Sergeant Young with weapon drawn in front of business and went to his location. Sergeant Young advised there may be an exit to the northwest of the building. See Sergeant Young's Supplemental Report for further details.

I went along the trolley train tracks on the Westside of the building to search for a possible exit. Detective Dizinno acted as See Detective Dizzino's Supplemental Report for further details. As I approached the loading dock on the north side of the building, Sergeant Meeks, who was on the east side of the loading dock, advised he saw Martinez exit the building and was inside the loading dock. See Sergeant Meeks' Supplemental Report for further details. As I scanned the area, Detective Dizinno advised Martinez was north of my position. I looked north along the train tracks and saw Martinez running northbound about 50 yards in front of me. Detective Dizinno and I trailed Martinez and put out his direction of travel.

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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 8 OF 10	CASE NUMBER 1207248					
CONTINUED FROM CRIME	BEAT 24	DISTRICT	DATE . 12/01/2012	DAY OF WEEK Sat	TIME 10:16					
PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm ADDITIONAL CODE SECTION(S)										
PC 212.5(C) - ROBBERY: LOCATION OF INCIDENT, CITY 530 W 21ST ST, NAT	STATE ZIP		RUCT/RESIST EXEC OFFICER							

As he arrived at the W. 18<sup>th</sup> Street overpass, Martinez went into the bushes on the west side of the tracks. Shortly there after, Corporal Klos advised he was taking Martinez into custody. See Corporal Klos' Supplemental Report for further details.

Detective Dizinno and I returned to the scene. While en route back to the scene, I heard Sergeant Meeks say over police radio Martinez was continuing to fight officers.

Detective Dizinno took digital photos of the scene and the Victim's injuries which he gave to me. I, later at NCPD, transferred the photos to CD-R and impounded it for evidence.

I contacted the Victim, identified by his California Driver License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License License Li

display rack and smoked a cigarette. I looked on the front counter and saw a pack of Camel unfiltered cigarettes with one (1) cigarette missing and a blue BIC lighter. Martinez also advised Martinez took and drank a blue Monster Energy Drink. I looked in the back room and saw an open blue can of Monster Lo-Carb Energy Drink on the counter.

Sergeant Meeks directed me to lock down the scene for detectives and crime scene specialists. See Detective Ybarra's Report and CSS Kirkendall's Supplemental Report for further details. I put up crime scene tape blocking the front and rear of the business and assumed duties of scene security/scribe. I documented scene access as follows:

1410 hours - Det. Dizinno and M. Hermiz enter scene to front doorway re camera coverage.

1445 hours - CSS Kirkendall entered scene

1456 hours - Det. Wilkins entered scene

1457 hours – Lt. Tellez entered scene

1547 hours – Det. Walters and Det. Ybarra entered scene.

1650 hours - All units clear scene. Scene released to Victim.

During this time, I also stood by with until Detective Walters transported him to NCPD for an interview.

#### **BACKGROUND:**

None.

#### STATEMENTS:

Statement of (Victim):

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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		OFFICER'	9 OF 10	1207248	
CONTINUED FROM CRIME	BEAT	DATE	DAY OF WEEK	TIME 10.16	
PRIMARY CODE SECTION	24	<u> </u>	12/01/2012	<u>Sat</u>	10:16
PC 245A1 - Assault   ADDITIONAL CODE SECTION(8)	with a deadly	y weapon or i	nstrument other than a firearm	<del></del>	
C 212.5(C) - ROBBERY:	SECOND DEGREE:	PC 69 - OBSTRUCT	VRESIST EXEC OFFICER		
OCATION OF INCIDENT, CITY	STATE ZIP	•			
30 W 21ST ST, NATI	ONAL CITY, CA	A 91950			
Minimart loca business wher counter.	ated at 530 W the Suspect, went behin	. 21 <sup>st</sup> Street in , identified as d the counter	016 hours, he was working as a cle National City. was at the re Manuel Martinez, entered the east and asked Martinez, "May I help y	efrigerator on the front door and vou?"	e southwest of the went to the front
be behind the	counter. Ma ble back and e back room.	rtinez respond turn around.	led by punching bn the left c	heek at least tw ck and pushed l	
moving it in a computer and it impacted his	n up-and-dov threw it at	vn motion. M	kroom counter and held it up to blo lartinez returned to the front counte dvised the laptop hit him, but at the	er, picked up	laptop
an opening an looked throug a pack of Can	d ran outside h the south fi nel unfiltered	and asked by cont door of the cigarettes from	tipped over shelves spilling merchat passers to call for help while still less business and saw Martinez behing the display rack and opened it. It is light it. Martinez grabbed a blue	holding the hot ad the front cou He took a cigare	plate. Martinez took ette out and grabbed
Martinez wen on-scene.	t to the refrig	erator and too	k a blue Monster Lo-Carb Energy	Drink and dran	k it. Police arrived
EVIDENCE:					
TAG # 10081482		DESCRIP CD-R Dig			
CSS Kirkende for further det		tive Wilkins p	processed the scene for evidence. F	Refer to their Su	pplemental Reports
<u>injury</u> :					•
had red his shins and a injuries.	ness and swe a cut about o	elling to his le ne inch in l <b>e</b> ng	ft and right cheeks, complaint of page gth on his right index finger.	ain to both elbo refused medic	ws, small scrapes to al treatment for his
PROPERTY	DAMAGE:				

Martinez (Suspect) threw the Victim's laptop computer (valued at about \$400) which came apart as it impacted the floor. Martinez caused an unknown amount of damage to merchandise. Store employees were unable to assess damages until the scene was processed.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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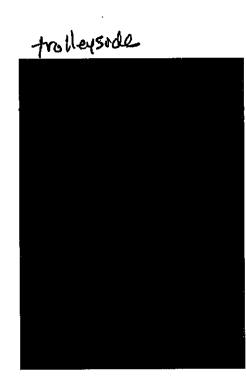
INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 10 OF 10	CASE NUMBER	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
CRIME	24	1	12/01/2012	Sat	10:16	
PC 245A1 - Assault ADDITIONAL CODE SECTION(S		lly weapon or	r instrument other than a firea	rm		
	•	· PC 69 _ NRSTI	RUCT/RESIST EXEC OFFICER			
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530 W 215T ST, NAT	TIONAL CITY,	CA 91950				

#### FOLLOW UP:

To be determined by the Investigations Division.

#### **RELATED REPORTS:**

- Sergeant Meeks' Supplemental Report
- Sergeant Young's Supplemental Report
- Sergeant Aydellotte's Supplemental Report
- Sergeant Cordero's Supplemental Report
- Corporal Klos' Supplemental Report
- Officer Dougherty's Supplemental Report and CHP 180
- Officer Stinnett's Supplemental Report
- ✓Officer Barawed's Supplemental Repot
  - CSS Kirkendall's Supplemental Report
  - Detective Ybarra's Supplemental Report
  - Detective Dizinno's Supplemental Report



Sakamata Noorra Walters Kirverdall Kloss Mell Stronelt Seward. Lobato B. Wannon Condaro Webb

#### Gina Reynoso

From:

Gina Reynoso

Sent:

Monday, January 14, 2013 1:16 PM

To:

Antonio Ybarra; Tom DiZinno

Subject: 1207248

# NATIONAL CITY POLICE DEPARSTMENT MEMORANDUM COURTESY REMINDER

DATE:

January 14, 2013

To:

Ybarra, DiZinno

CC:

FROM:

Gina Reynoso

RE:

Report Number:

1207248

Date of Call:

12/01/12

530 W 21<sup>st</sup>. St.

Call Nature:

245A1 pc

The <u>supplemental</u> Report has been searched for in AFR <u>APPROVED</u> database. As of today's date, this report has not been <u>RECEIVED</u> in Records.

PLEASE NOTIFY RECORDS. BY RESPONDING TO THIS EMAIL. AS TO THE STATUS OF THIS REPORT.

If you have any questions regarding this request, please contact Records. Thank you,

Gina Reynoso 1900
National City Police Department
Records Department
619-336-4407 Desk
619-336-4400 Office
619-336-4454 Fax
greynoso@nationalcityca.gov

You never know what you can do until you try it. -A. Maclaren, D.D.

INCIDENT NUMBER	1		SAN DIEGO REGIONAL	PAGE	CASE NUMBER
(HOIDEH) HOMOEN	}		ER'S REPORT NARRATIVE	1 OF 1	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
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ADDITIONAL CODE SECTION(S)					
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LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY. C	A 91950			

#### OFFICER'S SUPPLEMENTAL

On the listed time and date, the Eat and Go Trolley Deli was robbed by a subject later taken into custody after flee	ing
from officers. I was asked by Sgt. Leach to deploy my Police Service Dog (PSD) "Seven" to	
I arrived on scene at	
approximately 1441 hours. I was briefed by Sgt. Meeks and Corporal Klos where the subject was seen running. The	iere
were two separate areas they requested I searched with my PSD.	

I deployed my PSD "Seven" just west of the 21 St Street trolley along the east side of the trolley tracks and gave him the command to search. PSD "Seven" searched the area in a northern direction for approximately 100 yards and did not locate any kind of weapon or evidence. I drove to the second area which was the on ramp for I-5 Northbound from 18<sup>th</sup> Street on the east side of the off ramp. I deployed "Seven" and gave him the command to search. "Seven" searched the area, however he did not locate any weapon or any evidence. I advised Sgt. Leach my search was complete. Please refer to Crime/Arrest report for further.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 2 OF 5	CASE NUMBER 1207248	
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME	
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530 W 21ST ST. NATI	ONAL CITY.	CA 91950				

# **DETECTIVE SUPPLEMENTAL REPORT:**

# **ORIGIN:**

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	10#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 4 OF 5	CASE NUMBER		
CONTINUED FROM	BEAT	T DISTRICT	DATE	DAY OF WEEK	TIME		
OFFICER'S REPORT ONLY	24		12/01/2012 - 12/06/2012	5at - Thu	10:16 - 13:30		
PRIMARY CODE SECTION							
	with a dead	y weapon or	<u>r instrument other than a firearm</u>				
ADDITIONAL CODE SECTION(S)							
		PC 69 - 0BST	RUCT/RESIST EXEC OFFICER	~			
LOCATION OF INCIDENT, CITY	STATE ZIP						
530 W 21ST ST. NATI	ONAL CITY. (	A 91950					

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Later the afternoon, Detective Ybarra, CSS Kirkendall, and I went back out to the "Trolley Deli" and the railroad tracks near the deli. We walked the area as CSS Kirkendall took photographs to show the path taken by Martinez after the robbery. Refer to CSS Kirkendall's photos for additional information.

On 12/07/12, Detective Webb and I went to Women's Jail and spoke with The interview was audio and video recorded using my department issued "Flip" camera. The recording was later transferred on to a CD and impounded at NCPD by me. Refer to the statement portion of this report for details.

#### STATEMENT(S):

### Statement of (W) -

- dated Martinez prior to her arrest
- admits that she has had a narcotics problem in the past
- stated Martinez wanted to marry her
- hasn't talked with Martinez since he went to prison at the beginning of the year
- knows Martinez to be a methamphetamine user
- believes Martinez had mental health issues
- said Martinez at time would go off to his own little world mentally
- said Martinez' home life was very stressful
- only saw Martinez "flip out" one time and that was an argument with his brother,
- knew Martinez to be a quite person that kept to him self
- said Martinez was secretive and hid things from her
- tried real hard to be the perfect son
- knew Martinez hung out with a gang member named "Bouncer"
- does not know "Bouncer"
- Martinez told "Bouncer" to watch out for while he was in custody
- only knows Martinez to use methamphetamine
- says about twice a week Martinez would have mental break downs
- says Martinez mental issues would be a result of his stress level
- Martinez never told that the owed money or carried drugs for anyone
- said Martinez was not aggressive after smoking methamphetamine
- believes Martinez should have been medicated by a doctor for his mental health issues
- did not know Martinez had an issue with his
- Martinez told that he wanted to change his life and become a better man
- Martinez told that he was scared to change his life

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PC 212.5(C) - ROBBERY: SECOND DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER									
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(Refer to CD for complete details regarding this interview)

## **EVIDENCE:**

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Description:

I0081101 Photo Array signed by I0081102 Original photos for photo array I0081103 CD - Interview

End of report Detective W. Walters # 398 NCPD Investigations Unit

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OFFICER'S REPORT ONLY	24		12/01/2012	Sat	10:16				
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PC 245A1 - Assault	with a deadly	/ weapon or i	instrument other than a firearm						
ADDITIONAL CODE SECTION(S)									
	PC 212.5(C) - ROBBERY: SECOND DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER								
LOCATION OF INCIDENT, CITY STATE ZIP									
530 W 21ST ST. NATIONAL CITY, CA 91950									

### OFFICER'S FOLLOW UP

On December 07, 2012, at about 1030 hours, I was assigned to assist NCPD Detectives in an attempt to locate potential witnesses of a crime that occurred on 12-01-12 at 530 W. 21<sup>st</sup> Street in National City. Refer to Detective Ybarra's Investigative reports for further.

I was given various cell phone numbers to determine any potential users of the phones. Using various law enforcement databases, I was able to identify some possible users of three cellular phone numbers given belonging to belonging to belonging to
According to law enforcement databases, where the was currently in-custody at the law and the Jail.  Detective Walters and I attempted to visit however the building was under maintenance and we were unable to talk with him.
I called and left a message for the state of the control of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the state of the report, the report of the report, the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of the report of
At about 1543 hours, I contacted was a prior supervisor for Manuel Martinez. was introduced to Martinez via a "mutual friend." was not comfortable giving me the friends contact info. Was elescribed Martinez as an "excellent" worker, who showed up on-time and never brought him any problems. We did not notice any health issues or psychological problems that he was made aware of by Martinez.
At about 2240 hours, I spoke with regarding Martinez. Stated that he was "locked up" with Martinez at Donovan State Prison but his contacts were "in passing in the same pod." Stated that Martinez appeared to "keep to himself' versus "making a name for himself." was not aware of any health or psychological problems that Martinez had or referenced. Was not forthcoming initially but later became cooperative. Considers himself a "sureno" and is known as "with the "Sur Trece Juniors" Criminal Street Gang out of East San Diego.

I had no further involvement with this investigation.

**END OF REPORT** 

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INC	IDENT N	JMBER		ΔDI	NACITIONA	SAN DIEGO VICTIMS	) REGIONAL /WITNESSES	OTHE	RS	PAGE 1	OF	8	CASE NUMB		07248
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INCIDENT NUMBER			PAGE	CASE NUMBER	
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OFFICER'S REPORT ONLY	24		12/01/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY	STATE ZIP		· · · · · · · · · · · · · · · · · · ·		
530 W 21ST ST. NATI	ONAL CITY.	CA 91950			

# INVESTIGATIONS SUPPLEMENTAL NCPD CASE # 1207248

#### **ORIGIN:**

I was working as a patrol unit and had just finished meeting with Sgt. Young at the corner of Wilson Avenue and Civic Center Drive at 10:15 on Saturday December 1, 2012, when a call came out of a robbery, stabbing, shooting at the Eat & Go Trolley Deli at the E 22<sup>nd</sup> Street National City Trolley stop. The suspect in the robbery was reported to be fleeing northbound on the trolley tracks. Since I was parked at the trolley tracks and Civic Center Drive I began to drive southbound along Wilson Avenue looking for someone running along the tracks. I didn't see anyone running before pulling into the Trolley station.

When I parked at the deli, I saw Sgt. Young with his gun drawn covering the south door of the deli. Officer Sakamoto drove up as I arrived and ran around the station northbound on the trolley tracks. Sakamoto was by himself so I followed him to cover him as he looked for the suspect. Sakamoto was about 25 yards in front of me on the tracks when I noticed a Hispanic male dressed in a white sleeveless t-shirt and dark pants come out from the shrubs near the "Extra Space" storage center with the entrance at 525 20<sup>th</sup> Street. I got-on the radio and notified everyone the suspect was heading northbound on the tracks toward 18<sup>th</sup> street. The Hispanic male was moving quickly, moving from the center of the tracks to the west side of the tracks between the fence bordering I-5 North and the southbound track. I lost sight of him as he entered the shrubbery just prior to the overpass bridge above West 18<sup>th</sup> Street.

In a matter of what seemed to be less than one minute I heard Corporal Klos on the radio saying he had detained the suspect. Officer Sakamoto and I walked back to the Eat & Go Trolley Deli at 530 West 21<sup>st</sup> Street. I helped Sakamoto by photographing the scene and the victim's injuries with Sakamoto's camera. I also took photos of the damage done to the store and the entrance and exit point for the suspect.

#### **STATEMENTS:**

Dizinno

			Space" Storage facility. exit door for the Eat & Go Trolle	was loading a truck y Deli. told me the	at
Statement of	<u> </u>	(Witness)			
on Saturday Morning I facility to watch "police at the truck.	December 1 <sup>st</sup> . te traffic" (po neard yelling	He was work lice cars and a and watched a	inload a truck of furniture for storing with two other guys. While to motorcycle come into the area was a guy wearing a white t-shirt, put turned to look at the police to	he other guys went outside the with lights and sirens on) he staye ants, in his 20's, white or Hispan	ed nic
REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID# DATE AND TIME OF REPORT	

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03/04/2013 13:18

INCIDENT NUMBER		SAN	DIEGO REG	BIONAL	PAGE	CASE NUMBER
				NARRATIVE	3 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE		DAY OF WEEK	TIME
OFFICER'S REPORT ONLY PRIMARY CODE SECTION	24			12/01/2012	Sat	10:15 - 10:16
PC 211 - ROBBERY	<u>.</u>					
ADDITIONAL CODE SECTION(S) PC 211 - ROBBERY						
LOCATION OF INCIDENT, CITY		****				
530 W 21ST ST, NATIO			<del></del>			
running.	not see the s	uspect holding	g any weap	ons. He told me the sur	spect said nothir	ng to him just
looked at him and ran			would be	able to identify the ma	le if he saw him	again.
told me "probably not	, he was mov	ing way too f	ast."			
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responded to the scen who were at the scene	e. Working t e. Ahmed Hla on Decemb	hrough NCPE urz, EMT fron er 1, 2012. It	) dispatch, n AMR car	I was able to locate the me into the National Ci	AMR unit and l ty Police Depart	NCPD Fire unit ment with his
Statement of Anneu	IIIuz. ( vyici	16921				
I interviewed original tape was imp prepared for Detective	ounded at the	National City	al City Pol y Police De	ice Department. The in epartment on impound t	terview was vid ag # 10081728.	eo taped. The A copy was
patient in National Ci didn't find anyone. F he noticed a towards the scene. The civilian dressed perso him to prepare a gurn	ty at West 18 urther review ') la nere was a po n were on top ey, backboard (artinez was i	th and Wilson located a groater identified lice unit parked of a combatid and restraint n jeans with controls.	Ave. He to pup on the cas Manuel ed in the manuel ed in the manuel etc. Huz we one foot with	when his unit was dispation old me as the AMR unit on-ramp of W 18th Street Tomas Martinez, fight iddle of the ramp, both trying to pin down Martinet to the ambulance to thout a shoe or sock and ed or not.	it approached the to Harbor Driving with police. uniformed and tinez. Firefighte gather the equip	e area they initially ve. As he drove up His unit moved one undercover or ers on scene told pment. When he
the backboard up to the struggle getting more to the backboard.  Martinez had assessomeone, he didn't resaid officers put Mart	ne individual, violent movi aulted and po member who inez on the b	Hluz brough ng every part ssibly shot so that Martine ackboard but	nt up the bo of his body Huz asked meone else z was unde he continue	mpting to turn around a sard and prepared the read of the read of the read of the read of the read of the read of the read of the influence of the read of the struggle. County pown, Hluz said his partners of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of the read of th	estraints. Marting were attempting inez was fighting ling him. Hluz protocol require	to carry Martinez g so much, they told was told by Hluz d the patient to be
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keep him on the board Martinez to UCSD Tr	i. Hluz discu	ssed where to		t paramedics and policence. Given the circums		

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INCIDENT NUMBER		SAN	<b>DIEGO REG</b>	PAGE	CASE NUMBER	
		OFFICER'S	REPORT	NARRATIVE	4 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE		DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24	İ		12/01/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY	44					
ADDITIONAL CODE SECTION(S) PC 211 - ROBBERY						
LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST, NATI	ONAL CITY,	CA 91950				

Martinez was placed in the back in the ambulance and his vital signs checked again.

While the crew continued to work on Martinez, another firefighter drove the ambulance to UCSD.

At the hospital, they turned Martinez over to the emergency medical team. They briefed the UCSD team on what had happened.

Martinez had a large amount of blood on and around his face. Hluz and his partner had to clean the ambulance from the blood cleaning up a "spit mask" Martinez had on while he was fighting with police.

I asked Hluz what was his most significant memories of the incident. Hluz told me when he had first checked for vital signs on Martinez his

Iasked

Hluz if he had been to many combative patient calls. He said he had. I asked him to rate this one on a scale of 1-5 with 1 being a patient who was not moving or comatose and 5 being an extremely agitated combative person. Hluz told me "no doubt this was a five." I asked Hluz if Martinez had said anything at all during the entire incident. Hluz said Martinez said absolutely nothing.

#### Statement of Benjamin Garcia: (Witness)

Benjamin Garcia is a Captain at the National City Fire Department. On Saturday December 1<sup>st</sup> he was working overtime as an engineer (Driver of Unit 34B.) I interviewed him on December 1<sup>st</sup> at 17:10 at the National City Police Department. A copy of the interview was taped. The original tape is impounded at the National City Police Department on impound tag # 10081729. A copy was prepared for Detective Ybarra and the DA.

Garcia's crew was dispatched to a call of an "evaluation for law enforcement" at West 18<sup>th</sup> Street in National City at North Bound I-5 on-ramp. The unit arrived on the scene. When the engine arrived Garcia observed a "patient," later identified as Manual Tomas Martinez, was on the ground struggling with law enforcement, kicking, moving his hands, and trying to turn over (from his back to his stomach.) Law enforcement was doing it's best to control Martinez so NCFD could evaluate him. They had put cuffs on him. Martinez was scraping his head on the payment repeatedly. Martinez was straining his back trying to get up. Police were trying to verbally calm him.

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INCIDENT NUMBER		SAN	DIEGO REGIONAL	PAGE	CASE NUMBER
			REPORT NARRATIVE	5 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/01/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY					
ADDITIONAL CODE SECTION(S)				•	
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI		A 01050			
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There were 3 uniform			officer struggling to cor		
from getting up. A fe	male in civil	ian clothes wa	s standing off to the side. One of	the uniformed of	fficers was using
hie hoton as a leverag	e device to tr	v and keen M	artinez down on his back. One pa	ir of handcuffs w	as already on
Martiner but officer	nut a second	leaton Offic	ers were trying to put on a	hecause blo	ood was pouring
Martinez, out officer	s put a second		time and from a service his own f		
down the Martinez' r	ace from lace	rations ne nac	incurred from scraping his own f	ace on the paven	tent. The patients
face was red. Martine	z was not say	ying anything	but grunting and groaning		
Everyone pitch	ed in to lift N	∕lartinez. Mar	tinez was sweaty, bloody dripping	blood from his	face. They moved
Martinez to the backl	oard, and the	e gurney face o	down. They turned Martinez over	successfully put	ting on soft
restraints while Mart	nez continue	d to fight			
Coroio	hald Mortina	z' head holdin	g it still in order to prevent Martir	ez from doing f	orther damage to
					71 mm
himself as well as ke	ep Martinez	airway open.	Martinez was strapped to the gurn	ey.	
Garcia notice	d Martinez'				
			Garcia checked his pulse, it	was strong.	
			<del>-</del>		
As Martinez 1	was loaded in	ito the ambula	nce		
AS IVIATOROZ	was loaded in	ito ine ambara	IACC)		
		1012 To 1	1 1 1 1 1 1 1 1 1 1 1 1 1	4-1-1	
Garcia drove the amb	oulance to UC	CSD. During t	he ride to the hospital, Garcia was	tola	
I asked Garcia	a if there was	anything sign	iificant in this incident he rememb	ered.	

Garcia said he observed the following injuries on Martinez; Garcia told me Martinez had lacerations over his eyes from scraping his face. His feet were bloody, one with a blood stained sock, one a blood stained barefoot.

I asked Garcia if he had been to many incidents like this. He said he did. I asked him to compare this one to others with a scale from 1 to 5, one being a patient who was calm or comatose to 5 a patient extremely combative. Garcia said this was a 5. "If officers had let him go he would have gotten up. The police were struggling quite a bit". Garcia told me, "The cops were getting tossed around. From the moment we arrived to the time we picked him up Martinez, even with the cops on top of him, had actually moved down the ramp towards our unit because of his struggling."

#### **Additional Interviews:**

Detective Ybarra asked me to contact the Trolley police who were on the scene for any witness statements. I contacted Sgt Solis of the Trolley police. Solis told me he did not arrive on scene until after the suspect Martinez was taken into custody. At the point he arrived he called Officer Nicholas Goodwin out to stand by and give any assistance to NCPD if they needed it. Neither Goodwin nor Solis were witness to the robbery or apprehension of the suspect.

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CONTINUED FROM	BEAT	DISTRICT	DATE		DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24			12/01/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION	•					
PC 211 - ROBBERY						
ADDITIONAL CODE SECTION(S)						
PC 211 - ROBBERY						
LOCATION OF INCIDENT, CITY	STATE ZIP					
530 W 21ST ST, NATI	ONAL CITY.	CA 91950				

#### Video Downloads:

#### Eat & Go Trolley Deli Video:

At the scene Detective Ybarra asked me to download the videos from the Eat & Go Trolley Deli and the Extra Space rental facility which is attached to the Deli. On December 1<sup>st</sup> I attempted to contact the owner of the Deli, was out of the country and in possession with the pass code for the DRV surveillance system. I shut down the system in order to preserve the video. I returned on December 3<sup>rd</sup> at 10:30 am with the passwords and code to unlock the DVR. I checked the time code and date and compared them with the actual time and date. The video recorder time code was considerably off the actual time. I noted the time difference on the department Digital Video download form along with the data I needed to copy. I was able to download 4 cameras showing the incident starting from Martinez entering the deli to the point where he assaulted the clerk, destroyed the store and fled. During the approximate 7.5 minutes of pertinent video Martinez spent nearly 5 minutes at the counter smoking and carrying on in an agitated state talking with animated movements to no one in particular.

I copied the video onto a thumb drive which I transported and impounded along with the department digital evidence impound form at the National City Police Station on impound tag # I0081089. Prior to impounding the video I made two copies for Detective Ybarra and the DA.

#### Extra Space Storage Video:

On December 4<sup>th</sup>, Detective Ybarra and I reviewed the DVR surveillance video set-up at the Extra Storage center at 525 20<sup>th</sup> Street. We found video surveillance system was working with 32 different cameras. I checked the time code and the date on the camera against the actual date and time. I found the surveillance video was a few minutes off. I noted the time differences on the department digital video download form. I was able to find Martinez fleeing out of the back door of the Eat & Go Trolley Deli through the complex on four different cameras.

I copied the video onto a thumb drive which I transported and impounded along with the department's "Digital Evidence Impound" form at the National City Police Station on impound tag # I0081090. Prior to impounding the video I made two copes for Detective Ybarra and the DA.

#### Search Warrants:

Detective Ybarra asked me to follow through and obtain a warrant on the phone number that the last known number used by Manuel Martinez. I completed a telephone data base review and discovered the cell phone provider was Sprint and the phone number had not been ported. On December 6<sup>th</sup>, 2012 I sent a cell phone

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INCIDENT NUMBER		S	AN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICER	'S REPORT NARRATIVE	8 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE '	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/01/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY					
ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, NATI	ONAL CITY,	CA 91950			

End of Report:

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OFFICER'S REPORT ONLY	24	1	12/01/2012 - 12/03/2012	Sat - Mon	12:10
PRIMARY CODE SECTION					
PC 212.5A - ROBBERY	<u>: FIRST DEG</u>	REE			
ADDITIONAL CODE SECTION(S)					
PC 245A1 - Assault with	a deadly wear	oon or instrume	ent other than a firearm; PC 69 - OBSTRUCT	/RESIST EXEC OFFICE	R
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY.	CA 91950			

#### OFFICER'S SUPPLEMENTAL

On 12-1-12 at approximately 1230 hours I went to UCSD hospital in Hillcrest to relieve Officer Stinnett and stand by to obtain a blood sample from Manuel Martinez (SUSPECT). At approximately 1300 hours, a phlebotomist arrived at the hospital and blood samples were obtained at approximately 1315 hours. I also took several photographs of Martinez at the hospital.

At approximately 1640 hours, Detectives Walters and Ybarra arrived at the hospital to obtain additional information regarding Martinez' status from hospital staff. I cleared the hospital at approximately 1700 hours. I transferred the photos onto a CD-R disk and impounded the blood evidence and CD-R into evidence at NCPD.

## **EVIDENCE:**

I0081480 BLOOD SAMPLES I0081481 PHOTO CD-R

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INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER
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CONTINUED FROM	BEAT	DISTRICT	DATE •	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/01/2012	Sat	10:16
PRIMARY CODE SECTION					
PC 245A1 - Assault	<u>with a dead</u>	<u>ly weapon o</u>	r instrument other than a firear	'm	
ADDITIONAL CODE SECTION(S)					
		PC 69 - 08\$T	RUCT/RESIST EXEC OFFICER		<del></del>
LOCATION OF INCIDENT, CITY					
530 W 21ST ST. NATI	ONAL CITY.	CA 91950			

#### OFFICER'S SUPPLEMENTAL

On 12-1-12 at approximately 1016 hours, I responded to the 24<sup>th</sup> Street Trolley, to investigate a report of a possible robbery in progress where the suspect (later identified as Manuel Martinez) had either a knife or a gun. While en route to the call, Sergeant Young advised he was on scene and he had the suspect at gunpoint. Sergeant Young advised the suspect was alone and barricaded inside of the store.

I arrived a short time later in the east alley of 2000 Wilson Avenue, trying to block off a potential escape route. As I was pulling in, I heard someone advise over the police radio he saw Martinez running northbound on the trolley tracks. I hurried back to my car and drove out and northbound onto Wilson Avenue. I turned westbound onto West 18th Street behind Corporal Klos, and then we turned north onto the I-5 onramp.

Parked along the east curbline of the onramp were a green car and a white pickup truck. Almost immediately as I turned onto the onramp, I saw a subject (Martinez) in a white tee shirt running down through some shrubbery between the trolley tracks and the onramp. Martinez ran directly towards the white truck and, without stopping leapt headfirst into the be of the truck. Martinez' momentum carried his feet almost directly atop his head, and it looked as if Martinez was doing a cartwheel.

Corporal Klos and I parked and exited our cars and approached the truck with weapons drawn. I had my gun in my right hand as I approached the truck. Martinez remained in the truck bed as we got closer. Upon arriving at the truck, Corporal Klos maintained aiming his weapon at Martinez, who had his hands partially above his head, and I decided to try and detain him.

I climbed into the back of the truck and placed my left kneed into Martinez' upper back to help immobilize him. I then grabbed a hold of Martinez' right hand and placed it into a pair of my handcuffs. I told Martinez to give me his other hand and he refused. I again instructed Martinez to place his other hand behind his back, and he again refused, and began trying to pull his right hand from me.

Corporal Klos jabbed Martinez in the left shoulder with his instructing him to put his hand behind his back, and Martinez continued to resist, instead pulling his left arm tighter up against his body in defiance. Refer to Corporal Klos' Supplemental Report for more information on his involvement. Martinez tried to reach his left hand towards his waistband and I believed he was reaching for a weapon. As Martinez had increased his resistance and began to kick even after being struck by Corporal Klos' baton, I decided to try and get Martinez to comply with additional pain compliance.

I then took hold of my handcuffs with my left hand and struck Martinez in the head with my right hand, which had not effect. Martinez again refused to comply and continued to try and kick and pull away. I hit Martinez in the head a second time with my right hand, with similar results. Martinez' fingers were constantly fidgeting in a way consistent with my training and experience to be related to drug use, and I feared he was not responding normally to pain due to the presence of drugs in his system.

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REPORTING OFFICER	1D#	DIVISION	APPROVED BY	10#	DATE AND TIME OF REPORT
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Stinnett	452		l Ybarra	381	12/01/2012 14:10
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INCIDENT NUMBER	· · · · · · · · · · · · · · · · · · ·	SA	N DIEGO REGIONAL	PAGE	CASE NUMBER			
		OFFICER	'S REPORT NARRATIVE	3 OF 4	1207248			
OFFICER'S REPORT ONLY	BEAT 24	DISTRICT	DAYE 12/01/2012	DAY OF WEEK Sat	10:16			
PRIMARY CODE SECTION PC 245A1 - Assault	with a deadly	weamon or i	nstrument other than a firearm		-			
ADDITIONAL CODE SECTION(S)								
PC 212,5(C) - ROBBERY: S LOCATION OF INCIDENT, CITY	STATE ZIP		T/RESIST EXEC OFFICER					
530 W 215T ST, NATIO	ONAL CITY, CA	91950		<del></del>				
search of Martinez for pocket and noticed an	put his left h r possible we i identification	and behind hapons with no card inside.	is back. I placed his hand into the general results. I removed a wallet	from Martinez	began a pat down 2' right rear pants			
asked to calm down. with his feet nearest to wanting to support an	exited the truck bed and lowered the tail gate. Martinez was advised he was going to be removed from the truck and ked to calm down. Corporal Klos and I slid Martinez back towards the street feet first (Martinez was already lying ith his feet nearest the tail gate) and assisted him in standing up. Martinez at first slumped to the ground, not anting to support any of his own weight and I instructed him to stand up. Martinez stood and was walked to the cont right quarter panel of Corporal Klos' car for a more thorough search.							
Corporal Klos remove Klos removed his sho	searched the right side of Martinez and Corporal Klos searched the left. Neither side located a weapon of any kind. or or or or or or or or or or or or or							
kicked him in the righ attempt to control him extremely physically placed the up as the being deplo	ence on the ground Martinez kicked at me and I ordered him to stop resisting. Martinez kicked at me again, and I licked him in the right thigh with my right foot in order to stop his kicking. I then knelt on Martinez' legs in an etempt to control him. Corporal Klos was trying to maintain control of Martinez' head and arms. Martinez was extremely physically resistant, twisting his body and kicking his legs. I drew my and removed I laced the physically resistant, twisting his body and issued a martinez again yelled out as a reaction to be being deployed, and temporarily calmed down. I holstered my and continued to sit upon Martinez' legs. Martinez was yelling, 'You don't know who I am. I'm ghost. Fuck you.							
assist and took over a	t my location ook the	on Martinez nd I again to	ng and refused to comply. Detective 'legs. I went and got a from look control of Martinez' legs. The	my car to restr	ain Martinez' legs.			
Paramedics arrived on the stretched along w gurney.	n scene and g ith my partne	ave officers ars. I continu	a spit mask, which was applied to Ned to control his legs as the medica	Martinez. I ne	ext lifted Martinez on rapped him to the			
Martinez was placed into the ambulance and I entered the ambulance to ride to the hospital along with Martinez in the event he awoke and began to fight again. Inside the ambulance, the paramedics and NCFD NCFD Engine 34B was on scene, and AMR 494 (paramedics John Prieto and Ahmed Iluz).								
I rode in the ambulan	rode in the ambulance without incident,							
Martinez was treated			nedical center, Martinez was wheel ported up to the trauma unit.	ed into the em	ergency room.			
REPORTING OFFICER	(D#	DIVISION	APPROVED BY		E AND TIME OF REPORT			
Stinnett	452		Ybarra	381	12/01/2012 14:10			

INCIDENT NUMBER		SAI	N DIEGO REGIONAL	PAGE	CASE NUMBER				
			'S REPORT NARRATIVE	4 OF 4	1207248				
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OFFICER'S REPORT ONLY	24		12/01/2012	Sat	10:16				
PRIMARY CODE SECTION		<del></del>							
PC 245A1 - Assault	<u>with a</u> deadly	/weapon or i	nstrument other than a firearm						
ADDITIONAL CODE SECTION(8)		<b>/</b>							
PC 212.5(C) - ROBBERY:	PC 212.5(C) - ROBBERY: SECOND DEGREE; PC 69 - OBSTRUCT/RESIST EXEC OFFICER								
LOCATION OF INCIDENT, CITY	OCATION OF INCIDENT, CITY STATE ZIP								
526 W 21ST ST NATT	ONAL CITY CA	91956							

While the medical staff was working on Martinez, I overheard t	them speaking about
While at the hospital, the Trauma Attending On Call was and Resident Nurses and Barawed.	who oversaw Resident Physician  I was relieved at my post at the hospital by Officer
I returned to NCPD where I was later photographed for evident I also conducted a walking search of the of the arrest in an attempt to locate a weapon with negative resu	trolley tracks from the scene of the crime, to the area
As a result of my involvement in arresting Martinez, I sustained tender and there was some swelling. I notified Sergeant Meeks necessary paperwork on my injury. The following day, on 12-2 injury to my right hand checked out. My hand was x-rayed and	about my injury. Sergeant Meeks filled out some 2-12, I went to Paradise Valley Hospital to have the

There was no further information at the time of this report. This report was completed on 12-1-12 at approximately 1626 hours. Refer to Officer Sakamoto's Crime Report for more information.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Stinnett	452		Ybarra	381	12/01/2012 14:10

INCIDENT NUMBER			N DIEGO REGIONAL	PAGE	CASE NUMBER 1207248
l	i	OFFICER'S	S REPORT NARRATIVE	1 OF 1	1207248
CONTINUED FROM	SEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT	24		12/01/2012	Sat	10:16
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PRIMARY CODE SECTION					
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ADDITIONAL CODE SECTION(6)					
PC 212.5(C) - ROBBERY:		PC 69 - OBSTRUC	T/RESIST EXEC OFFICER		
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY, C	A 91950			l

# Officer's Supplemental Report

On 12-01-12, at approximately 1115 hours, I responded to the area of W. 18 <sup>th</sup> Street under Interstate 5 to assist fellow officers with an ongoing investigation involving a robbery that had occurred at the Eat & Go Trolley Deli, 530 W. 21 <sup>st</sup> Street. When I arrived, Sergeant Meeks asked if I would attempt to locate two possible witnesses to the incident. Sergeant Meeks requested that I respond to and attempt to locate white pickup truck. Apparently, the suspect in the case had jumped into the bed of the truck while fleeing from police.
At approximately 1128 hours, I made contact at the state of the was not currently at home. We did not appear to know the person named (a) After being at the house for a few minutes, we bulled up in front of his residence in a red pickup truck with one of his co-workers. I made contact with requested that we not talk at his residence in front of his wife because was his girlfriend. Suggested that we talk at his shop, was his girlfriend. Suggested that we talk at his shop, was primarily at the time of the incident was also at the shop. I followed over to the shop. Since was primarily a Spanish speaker, Sergeant Cordero responded to the scene to assist.
When we arrived at the shop, directed me to a white pickup truck (CA that was parked at the business. When I looked in the bed of the pickup, I saw what appeared to be blood on the floor. Officer Dougherty, who came with Sergeant Cordero, completed the impound paperwork on the truck and later had it towed to NCPD as evidence.
While speaking with Sergeant Cordero was able to getter full name and her phone number. Sergeant Cordero called and requested that she respond to NCPD. The agreed to come down to NCPD and provide a voluntary statement. I transported to NCPD. I left with Investigator DiZinno in the Investigations Division.
I then made contact with the lobby of the police department. I explained to that detectives would like to take a statement from her in regards to the incident. Said to me, "That guy was on drugs" and went on to say that she was scared for the safety of her children.
Fud of Donaut

#### End of Report

CONFIDENTIAL
THIS RECORDS HAS BEEN RECORDED AS BEING RELEASED PURSUANT TO CALIFORNIA PENAL CODE 11075 THROUGH 11081 SUBSEQUENT DISTRIBUTION OF INFORMATION CONTAINED IS RESTRICTED BY 11140 THROUGH 11144 CPC NATIONAL CITY POLICE DEPARTMENT

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 3 OF 4	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/01/2012 - 12/06/2012	Sat - Thu	10:16 - 13:30
PRIMARY CODE SECTION					
PC 245A1 - Assault	<u>with a dead</u>	ily weapon or	<u>instrument other than a firearm</u>		
ADDITIONAL CODE SECTION(S)					
PC 69 - OBSTRUCT/RESIST	EXEC OFFICER	(; PC 212.5(C)	- ROBBERY: SECOND DEGREE		
LOCATION OF INCIDENT, CITY	STATE ZIP	···			
530 W 21ST ST, NATI	ONAL CITY.	CA 91950			

#### **DETECTIVE SUPPLEMENTAL REPORT:**

#### Autopsy Report -

On 12/06/12, I attended the autopsy of Manuel Martinez, which was performed by Dr. J. Lucus, assisted by Forensic Autopsy Specialist S. Hannum. Sergeant G. Seward, Detective A. Ybarra, and Crime Scene Specialist L. Kirkendall were also present.

The decedent was presented nude on a metal gurney. The decedent was lying face up with two bands (blue and yellow) attached to his right ankle. The plastic bands listed the San Diego County Corner Case Number 12-02601 and Martinez' name. The autopsy began at 0932 hours.

The decedent passed away at UCSD Hospital on 12/05/12 at 0317 hours. The decedent had medical devices attached to his nose, mouth, neck, both arms, and both hips. Refer to photos and medical records for additional details.

The decedent had numerous tattoos, some of which included -

- Chest "Sweetthing" on right side along with a side profile of a woman, possibly the word "Sammy" on left chest
- Back of neck "OTNC"
- Stomach "OTNC"
- Left arm "Myra"
- Left hand and finger 3 dots on web of left hand, "Myra" on left ring finger
- Left leg (2) women face along with "NC"
- Left shoulder (2) women
- Right shoulder picture of an 8-ball, dragon climbing a wall

(For complete details refer to the photos taken by CSS Kirkendall)

The decedent had two scars -

- Right wrist
- Right forearm

(For complete details refer to the photos taken by CSS Kirkendall)

The decedent had the following visible injuries -

- Head Abrasion over left temple
- Face a small laceration near his right eye (This injury stitched up by hospital staff), abrasion above right eyebrow, abrasion on right cheek, abrasion under chin
- Shoulders Abrasion on both shoulders
- Arms / wrist abrasion to both arms, abrasion to both wrist, abrasion to both elbows
- Legs / knees/ feet left big toe nail was removed, right big toe nail was removed, toe nail on right foot (long toe) was almost completely removed, both feet had abrasion, skin near left big toe was pulled away, both knees had abrasions
- Stomach / rib area small amount of bruising on each side

(For complete details refer to Dr. Lucus' findings once his report is complete)

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Walters	398	INV	Leach	310	12/08/2012 09:18

INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICI	ER'S REPORT NARRATIVE	4 OF 4	1207248
CONTINUED FROM	BEAT	DISTRICT	DAYE .	DAY OF WEEK	TIME
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ADDITIONAL CODE SECTION(S)					
		: PC 212,5(C) ·	ROBBERY: SECOND DEGREE		
LOCATION OF INCIDENT, CITY	STATE ZIP		<del></del>		
530 W 21ST ST. NATI	ONAL CITY.	CA 9195 <del>0</del>			<u></u>

Dr. Lucas said the injuries listed above were relatively minor and consistent with a struggle. Dr. Lucas was unable to provide a cause of death at the conclusion of the autopsy. Dr. Lucas said he should have additional details regarding the descendant's death in four to six weeks when the toxicology reports return from the lab.

The autopsy ended approximately at 1330 hours. Refer to CSS Kirkendall's report for additional information, including details regarding evidence collection.

#### Additional reports from persons attending the autopsy -

Dr. Lucus CSS Kirkendall

End of report Detective W. Walters #398 NCPD Investigations Division

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Walters	398	INV	Leach	310	12/08/2012 09:18

# NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

PAGE:	CASE NUMBER:	BIN#
1 OF 2	1207248	

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#### NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

PAGE:	CASE NUMBER:	BIN#
2 of 2	1207248	

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#### NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

PAGE:	CASE NUMBER:	BIN#
1 of 1	1207248	

PERSON IMPOUNDING / ID# DIVISION L. Kirkendall 4756 Investigations								CRIME TYPE: 245 PC						CRIME DATE: 12/1/12			
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# NATIONAL CITY POLICE DEPARTMENT PROPERTY / EVIDENCE FORM

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#### NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

PAGE:	CASE NUMBER:	BIN#
2 of 5	1207248	

PERSON IMPOUNDING / ID# DIVISION L. Kirkendall 4756 Investigations					CRIME TYPE; 245 PC					CRIME DATE: 12/1/12	
INFORMATION SECTION  ITEM # ITEM DESCRIPTION: NCPD											
Open Camel cigarette pack and blue lighter  530 W. 22 <sup>nd</sup> St. counter											
										10081485	
QUANTITY 2	NARCOTICS NET WEIGHT: NARCOTICS GROSS WEIGHT:										
TYPE	CALIBER MAKE			BARREL LENGTH   MODEL   MODEL#							
COLOR CASE TYPE (MUST CHECK ONE)  EVID-F EVID-M SFKNG DEST FND SEARCH WARRANT NON-CRIMINAL T/C											
SERIAL NUMBER MUST RUN SERIAL # THROUGH C.L.E.T.S (ATTACH COPY OF TELETYPE WITH EVIDENCE)											
*MUST FILL OUT A FIREARM TRANSACTION LOG FORM*											
LAB SERVICE REQUEST: YES NO SPECIFY:											
INFORMATION SECTION  ITEM # ITEM DESCRIPTION: NCPD											
Latent print cards from laptop											
QUANTITY NARCOTICS NET WEIGHT: NARCOTICS GROSS WEIGHT: 10081486											
TYPE CA	CALIBER MAKE			BA	BARREL LENGTH   MODE			MC	DDEL#		
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NAME (LAST, FIRST, MIDDLE)						LAB SERVICE REQUEST SPECIFY:					
SPECIFY:											
INFORMATION SECTION											
	TTEM # ITEM DESCRIPTION: Swab from laptop										
QUANTITY NARCOTICS NET WEIGHT: NARCOTICS GROSS WEIGHT:										10081487	
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### NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

PAGE:	CASE NUMBER:	BIN#
3 of 5	1207248	

## RELATIONSHIP CODES: V = VICTIM O = OWNER F = FINDER S = SUSPECT W = WITNESS

PERSON L. Kir		OUNDING / all	ID# 475	DIVIS 56 Inve	ION stigations	CRIME TYPE: 245 PC			CRIME DATE: 12/1/12	
							1.1			
INFORMATION SECTION  ITEM # ITEM DESCRIPTION:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:   NOTE:										
Swab of red stain from 18 <sup>th</sup> St. on ramp to I-5 North										NCPD
QUANT	ήν	NARCOTI	CS NET	WEIGHTS	NARCOTA	CS GROSS WEIG	er.			10081488
1		MARCOIN	LIG TYEEK	11 821/381 1 :	MARCOTA	CS GROSS WEIG	XI I i			
TYPE		CALIBER	MA	ič k	l r	BARREL LENGT	1 MODEL	LMOD	VET U	
11113		CHIMIDEN	174	14.17	1,	MARIE EDITO	MODEL	1 111/12	I KS LAN	
COLOR		Harrist, Harrist Wild print Albahamian da san san san			CASET	YPE (MUST C	HECK ON	<u> </u>		
		⊠EVID-	F 🔲 E	EVID-M	]sfkng [	reinfolder T allester	amme phones	ĆH WA	ARRAN'	T 🗌 NON-CRIMINAL 🗀 T/C
SERIAL	NUMI	ER		y	iust run s	ERIAL#THROU	GH C.L.E.T.	S (ATTA)	CH COPY	/ OF TELETYPE WITH EVIDENCE) CTION LOG FORM*
	NAME	(LAST,FIR	ST.MIDI	MEN L		<del>*************************************</del>	martine en architectic legaçõe per estimamar que			7
	1 77 847 5 %	. (13, 25, 11, 11, 11, 11, 11, 11, 11, 11, 11, 1	m = 11.4 + ex.4	ar Markar j			AB SERVIC PECIFY:	E REQUE	est:	YES NO
				×	I	NFORMATIO	N SECTIO	N	<u>,, i ,,, i,,,,</u> ,	
ITEM#	ľ	TEM DESCR	JPTION	1	. بر داند د				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	- NCPD
<del>yakutata kapangi diangi di</del> sak	12	wab of bio	logical	fluid from	18" St. on	ramp to I-5 Nor	[]	***************************************		
QUANTI	TY	NARCOTE	CS NET	WEIGHT:	NAI	RCOTICS GROSS	WEIGHT:			
1										
TYPE	CA	LIBER N	MAKE		BA	RREL LENGTII	MODEL	MODE	I.JI	
COLOR	····		<del></del>		CAS	E TYPE (MUS	T CHECK	ONE)		
202010		JEVID-F	□ EV	ID-M	SFKNG	DEST   TEND	#1900A11991	CH WA	RRANT	NON-CRIMINAL TIC
SERIAL	NUMI	BER		***************************************	MUST R	UN SERIAL#TI	ROUGH C.L	.E.T.S (A	TTACH (	COPY OF TELETYPE WITH EVIDENCE
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	1100	*111 (12/23) 11 1	******				SPECIFY	RVICE RI V:	EQUEST	: LYES NO
			A							
					1	NFORMATIO	N SECTIO	N		
ITEM#		TEM DESCR					# <u>####################################</u>	**************************************		NCPD
10) SAME OF THE OWNER, THE OWNER, THE OWNER, THE OWNER, THE OWNER, THE OWNER, THE OWNER, THE OWNER, THE OWNER,	S	wab of red	stam fr	om hood o	f patrol car	#123				
QUANT	TV	NARCOTI	CS NET	WEIGHT:	·	NARCOTICS	CROSS WE	снт		10081490
1	•••	( izeleco i i	CONTINUE	,, broarr		MARGOTAGE	GROODS TIES	OII I		
ТҮРЕ		CALIBER	T N	AKE		BARREL LENG	ти I мор	EL I M	ODEL#	
COLOR			1		CASET	YPE ( <i>MUST C</i>	HECK ON	L 'E')		
COPOU	X	EVID-F [	_ EV	ID-M	SFKNG		· · · · · · · · · · · · · · · · · · ·	EARCH	I WARI	RANT NON-CRIMINAL T/C
SERIAL		فأنتمال مسامع فيتران بالمناف تمتني ليتمام			MUST RUI	SERIAL#THR	OUGH C.L.E	T.S (ATT	ACHCO	DPY OF TELETYPE WITH EVIDENCE)
						*MUST FIL	LOUI A FIR	earm T	RANSAC	CITON LOG FORM*
	NAMI	E (LAST, FI	RST, MI	DDLE)	-	LAB SERV	TCE REQUE	ST:		YES NO
						SPECIFY:				

### NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

PAGE:	CASE NUMBER:	BIN#
4 of 5	1207248	

### RELATIONSHIP CODES: V = VICTIM O = OWNER F = FINDER S = SUSPECT W = WITNESS

PERSON IMPOUNDING / ID# DIVISION L. Kirkendall 4756 Investigations							RIME TYPI 45 PC	Č:		CRIME DATE: 12/1/12	
	INFORMATION SECTION										
ITEM#	ITEM # ITEM DESCRIPTION: HUCK IV										
	Swab of red stain from trunk bed										
2010 CA/									:		
QUANTII I	QUANTITY NARCOTICS NET WEIGHT: NARCOTICS GROSS WEIGHT:									10081491	
TYPE		CALIBER	MAKE		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	BARR	EL LENGTI	MODEL	.   1	MODEL#	
COLOR				-	CASE	ТҮРЕ	(MUST CI	IECK ON	$\overline{E})$		
		⊠EVID-F	ЕУП	Property	SFKNG		ST_FNI			WARRAN	
SERIAL	NUME	BER		V	IUST RUN	SERIA	L#THROU *MUST FIL	GH C.L.E.T. L OUT A FI	S (AT REA)	FTACH COP' RM TRANSA	Y OF TELETYPE WITH EVIDENCE) CTION LOG FORM*
Ŋ	VAME	(LAST,FIRST	(,MIDDLE)	<del>(*************</del> **********		***************************************		AB SERVIC PECIFY:	E RE	QUEST:	□YES □ NO
TOTES CH	T 17	TEM DESCRI	WYYAN.	MARKET COMPANY		INFO	RMATIO	N SECTIO	N	and the second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second s	unur
ITEM#		D-R contain		igital i	mages of	Trolley	Deli				NGPD III 18 18 18 18 18 18 18 18 18 18 18 18 18
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QUANTI'I 1	Γ¥	NARCOTICS	NET WEI	GHT:	N	ARCOT	ICS GROSS	WEIGHT:			10081492
TYPE	CA	LIBER MA	KE		P	ARRÉI.	LENGTH	MODEL	MC	ODEL#	
COLOR	D	TEVID-F	TEVID-N	и 🗀 :	<b>CA</b> SFKNG [	SE TY DES	PE <i>(MUS)</i> T ∏FND	*******		e) Warran'	Γ □NON-CRIMINAL □T/C
SERIAL	NUMI	BER			MUST	RUN S	ERIAL#TH	ROUGH CA	LET	S (ATTACH	COPY OF TELETYPE WITH EVIDENCE TRANSACTION LOG FORM*
**************************************	NA	ME (LAST, FII	RST, MIDD	LE)	~~~	),randaren (m. 1811).	17.1	<del></del>	*********	CE REQUEST	Table 1
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F# 17/145 IL		D-R contain		igital i	mages of	18th St	on ramp t	o I-5 Nortl	)		NCPD NTNII DII THE ENLIGHEN INGENI
		, , , , , ,									
AND A PROPERTY.	· · · · · · · · · · · · · · · · · · ·	- 11 to 210 to 272	~	Carpri	<del></del>	1	t D ZIOTEZIO	anage no	1011	Y1.	10081493
QUANTI' I	IY	NARCOTIC	S NET WEI	GHT		N.	ARCOTICS	GROSS WE	IGH:	1:	
TYPE	www.wissensor	CALIBER	MAK	<u> </u>	Sentencer (Autorites Antoniologi Peter Perest	BAI	RREL LENG	тн   мог	EL	MODEL#	
		W. 1 (1 2 2 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2		•							
COLOR		EVID-I	EVID-I	· -	CASE		(MUST C	facinitaries.		RCH WAR	RANT NON-CRIMINAL T/C
SERIAL			] 15 4 11/-1	YI L		UN SER	IAL#THRO	DUGH C.L.I	T.S	(ATTACH C	OPY OF TELETYPE WITH EVIDENCE) CTION LOG FORM*
	NAMI	E (LAST, FIRS	ST, MIDDL	E)			LAB SERV SPECIFY:	ICE REQU	EST:		YES NO

### NATIONAL CITY POLICE DEPARTMENT ADDITIONAL PROPERTY / EVIDENCE FORM

Marking to the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the contro		
PAGE:	CASE NUMBER:	BIN#
5 OF 5	1207248	

### RELATIONSHIP CODES: V = VICTIM O = OWNER F = FINDER S = SUSPECT W = WITNESS

PERSON IMPOUNDING / ID#   DIVISION   Livestigations	CRIME TYPE; 245 PC	CRIME DATE: 12/1/12
ITEM # ITEM DESCRIPTION: CD-R containing (39) digital images of	NFORMATION SECTION	NCPD
QUANTITY   NARCOTICS NET WEIGHT: NARCOTIC	CS GROSS WEIGHT:	I0081494
	BARREL LENGTH MODEL MODEL	
EVID-F EVID-M SFKNG	YPE (MUST CHECK ONE)  DEST FND SEARCH WARR ERIAL # THROUGH C.L.E.T.S (ATTACH O *MUST FILL OUT A FIREARM TRA	COPY OF TELETYPE WITH EVIDENCE)
NAME (LAST, FIRST, MIDDLE)	LAB SERVICE REQUESTS SPECIFY:	YES NO
	NFORMATION SECTION  ICPD Officers	NCPD
	RCOTICS GROSS WEIGHT:  RREL LENGTH   MODEL     MODEL#	10081495
COLOR CASI  EVID-F EVID-M SFKNG	E TYPE (MUST CHECK ONE)  DEST FND SEARCH WARR	ANT NON-CRIMINAL T/C ACH COPY OF TELETYPE WITH EVIDENCE RM TRANSACTION LOG FORM*
NAME (LAST, FIRST, MIDDLE)	LAB SERVICE REQUESPECIFY:	
ITEM #   ITEM DESCRIPTION:   CD-R containing (40) digital images of	NFORMATION SECTION  CA/	NGPD
QUANTITY NARCOTICS NET WEIGHT:	NARCOTICS GROSS WEIGHT:	10081496
COLOR CASE T	BARREL LENGTH MODEL MODEL  EYPE (MUST CHECK ONE)	Ir half
EVID-F EVID-M SFKNG	DEST FND SEARCH W N SERIAL # THROUGH C.L.E.T.S (ATTAC *MUST FILL OUT A FIREARM TRA	H COPY OF TELETYPE WITH EVIDENCE)
NAME (LAST, FIRST, MIDDLE)	LAB SERVICE REQUEST: SPECIFY:	TYES INO

INCIDENT NUMBER

SAN DIEGO REGIONAL
ADDITIONAL VICTIMS/WITNESSES/OTHERS

LOCATION OF INCIDENT, CITY STATE ZIP

530 W 21ST ST, NATIONAL CITY, CA 91950

SAN DIEGO REGIONAL
1 OF 8

1 OF 8

12/1/2012

 REPORTING OFFICER
 ID#
 DIVISION
 APPROVED BY
 ID#
 DATE AND TIME OF REPORT

 Dizinno
 926
 INV
 Smith
 334
 03/04/2013 13:18

INCIDENT NUMBER		5	SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICER	R'S REPORT NARRATIVE	2 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/1/2012	<u> </u>	10:15 - 10:16
PRIMARY CODE SECTION					
PC 211 - ROBBERY		dandadahddanadadadada		·····	
ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY		***************************************			
	STATE ZIP				
530 W 21ST ST, NATI	ONAL CITY,	CA 91950			

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			9

INCIDENT NUMBER	1	SAI	N DIEGO REGIONAL	PAGE	CASE NUMBER
	Ì	OFFICER'S	REPORT NARRATIVE	3 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/1/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION					1 20.20 20.20
PC 211 - ROBBERY					
ADDITIONAL CODE SECTION(S)		<u>"</u>		······································	
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY	STATE ZIP	.,			
530 W 215T ST, NATI	ONAL CITY.	CA 91950			

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REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Dizinno	926	INV	Smith	334	03/04/2013 13:18

INCIDENT NUMBER			N DIEGO REGIONAL S REPORT NARRATIVE	PAGE 4 OF 8	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/1/2012	Sa <u>t</u>	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY					
530 W 21ST ST. NATI	ONAL CITY,	CA 91950			

		:

INCIDENT NUMBER		SAN DIEGO REGIONAL		PAGE		CASE NUMBER		
		OFFICER'S	REPORT NARRATIVE	5	OF	8		1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF	WEEK		TIME	
OFFICER'S REPORT ONLY	24		12/1/2012		Sat		10:15	10:16
PRIMARY CODE SECTION PC 211 - ROBBERY								
ADDITIONAL CODE SECTION(S)			*** ****					•
PC 211 - ROBBERY								
LOCATION OF INCIDENT, CITY	STATE ZIP	••···			•			
530 W 21ST ST. NATI	ONAL CITY.	CA 9195 <del>0</del>						

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REPORTING OFFICER
Dizinno

INCIDENT NUMBER	SAN DIEGO REGIONAL		PAGE	CASE NUMBER	
		OFFICER'S	REPORT NARRATIVE	6 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/1/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, NATI	ONAL CITY,	CA 91950			

		***************************************	

INCIDENT NUMBER	SAN DIEGO REGIONAL		SAN DIEGO REGIONAL	PAGE	CASE NUMBER
		OFFICE	R'S REPORT NARRATIVE	7 OF 8	1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/1/2012	Sat	10:15 ~ 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY					
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST, NATI	ONAL CITY,	CA 9195 <del>0</del>			

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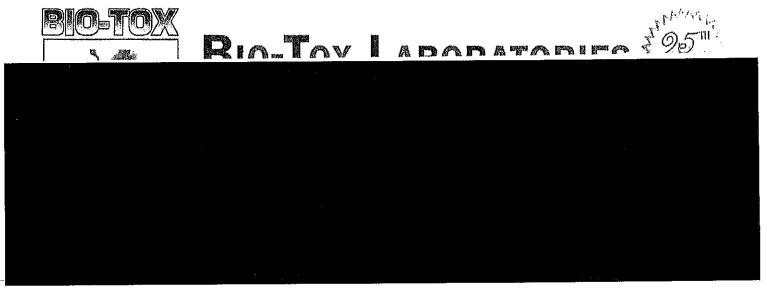
NCIDENT NUMBER			SAN DIEGO REGIONAL R'S REPORT NARRATIVE	PAGE 8 OF 8	CASE NUMBER 1207248
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	24		12/1/2012	Sat	10:15 - 10:16
PRIMARY CODE SECTION PC 211 - ROBBERY ADDITIONAL CODE SECTION(S)					
PC 211 - ROBBERY				***	
LOCATION OF INCIDENT, CITY	STATE ZIP				
530 W 21ST ST. NATI	ONAL CITY.	CA 91950			

End of Report:

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Dizinno	926	INV .	Smith	334	03/04/2013 13:18



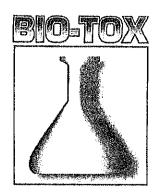




PAT	IENT NAME	SEX	DATE OF BIRTH	
MARTINEZ, M	ANUEL	**	14p. gat 48b	mal jun del uno uno uno uno uno uno est uno sel uno uno
	REQUESTING AGENC		QUESTED BY	AGENCY NUMBER
2-39984-8	7500	Ann yah nay digi taka k	age has been made were one one who part and but her sook arms side.	12-09799
SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED	DATE REPORTED
BLOOD	خبر والم الله الله والله والله والله والله الله	um are too and the and and the med and	12/26/12	01/17/13
LC/MS/MS AT T	EENED BY IMMUNOASSA HE FOLLOWING SCREEN	ING/CONFIRMA	TION CUTOFFS:	
TEST		1	RESULTS	
AMPHETAM	INES	(		
метнамрн	ETAMINE, LC/MS/MS	(		
AMPHETAN	INE, LC/MS/MS	(	)	

\*ANALYSIS BY: KRISTEN STEWARD

\*\*ANALYSIS BY: OLA BAWARDI



# BIO-TOX LABORATORIES

Laboratory Director

Toxicologist Dale R. Somers, C.L.S. Maureen Black, C.T.S.

Toxicologist Ola Bawardi, M.S.

Taxicologist Erin Crabtrey, M.S.

SAN DIEGO COUNTY SHERIFF CRIME LAB 5255 MT. ETNA DRIVE SAN DIEGO, CA 92117

12-09799 MARTINEZ, MANUEL

PATI	ENT NAME		SEX	DATE OF BIRTH
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MARTINEZ, MA	NUEL			
BTL NUMBER	REQUESTING AGENO	CY RI	EQUESTED BY	AGENCY NUMBER
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2-39984-9	7500			12-09799
SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED	DATE REPORTED
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BLOOD			12/26/12	01/1/12

TEST

BENZODIAZEPINES

GHB, LC/MS/MS

KETAMINE, LC/MS/MS

CARISOPRODOL (SOMA), LC/MS/MS

MEPROBAMATE, LC/MS/MS

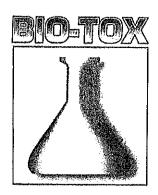
ZOLPIDEM, LC/MS/MS

\*ANALYSIS BY: KRISTEN STEWARD

\*\*ANALYSIS BY: ERIN CRABTREY

\*\*\*ANALYSIS BY: OLA BAWARDI

RESULTS



# BIO-TOX LABORATORIES

Laboratory Director Dale R. Somers, C.L.S.

Toxicologist
Maureen Black, C.T.S.

Toxicologist
Ola Bawardi, M.S.

Toxicologist Characteristics Toxicologist Characteristics (Characteristics)

SAN DIEGO COUNTY SHERIFF CRIME LAB 5255 MT. ETNA DRIVE SAN DIEGO, CA 92117 12-09799 MARTINEZ, MANUEL

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### BENZODIAZEPINES CONFIRMATION PANEL

SAMPLE ANALYZED FOR THE FOLLOWING DRUGS BY LC/MS/MS: ALPRAZOLAM AND METABOLITE, CHORDIAZEPOXIDE AND METABOLITE, CLONAZEPAM AND METABOLITE, DIAZEPAM AND METABOLITES, ESTAZOLAM, FLUNITRAZEPAM AND METABOLITE, LORAZEPAM, MIDAZOLAM, OXAZEPAM, TEMAZEPAM, AND TRIAZOLAM AND METABOLITE.

TEST

RESULTS

MIDAZOLAM

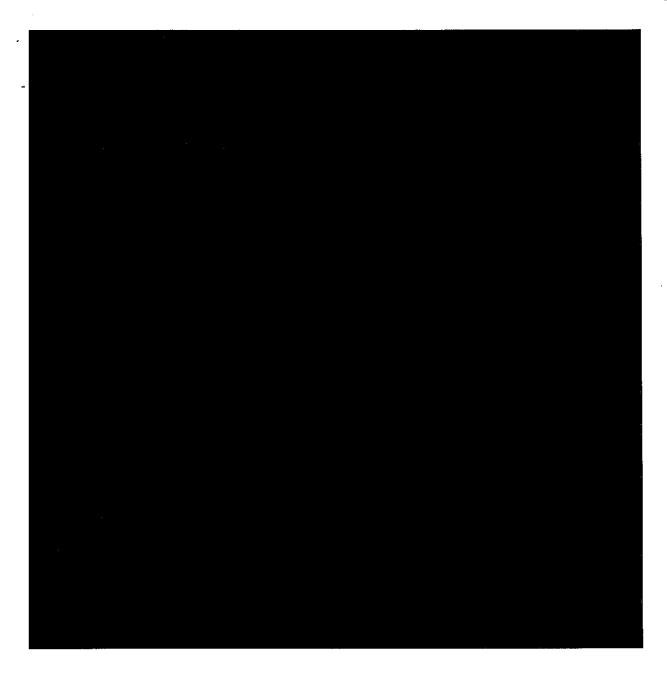
LORAZEPAM

ANALYSIS BY: OLA BAWARDI

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

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## FIELD PROPERTY RECEIPT / RELEASE FORM

NATIONAL CITY POLICE DEPARTMENT, CITY OF NATIONAL CITY, CALIFORNIA 1200 NATIONAL CITY BLVD • NATIONAL CITY, CA 91950-4302 • (619) 336-4447 2014 09 1207248 NCPD CASE # YBARRA OFFICER'S NAME / ID #\_ **EVIDENCE** HELD PER 8102 W&I (5150 W&I) FOUND SAFEKEEPING DV HOLD SEARCH WARRANT PROPERTY RECEIVED FROM: MIDDLEOMAS LASTAPOFINEZ FIRSTMANUEL PHONE NUMBER OWNER OF PROPERTY: LAST NAME MARETINESZ PHONE NUMBER FIRST MIDDLE MANUEL MOTHER CONTACT PHONE NUMBER MAILING ADDRESS: STREET# APT# ZIP CODE: CITY: STATE: DESCRIPTION OF PROPERTY: DESCRIPTION (BRAND, MODEL, COLOR, ETC.) SERIAL# TAG# 1-0081497 1-00/81498 1-00|8|499 US CURRENCY (ITEMS FROM MARTINEZ TOME 1-0078445 业 FOUND PROPERTY WHEN FOUND PROPERTY IS HELD BY A LAW ENFORCEMENT AGENCY, CALIFORNIA CIVIL CODE SECTION 2080 REQUIRES THE FOLLOWING STATEMENT TO BE SIGNED BY THE FINDER: LDECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE LISTED ITEMS WERE FOUND, THAT ALL ITEMS HAVE BEEN SURRENDERED, AND LOO NOT KNOW WHO THE TRUE OWNER IS. SIGNATURE OF FINDER: ACKNOWLEDGMENT (MUST BE SIGNED BY PERSON IN POSSESSION OF PROPERTY) THIS FORM CONSTITUTES NOTIFICATION OF YOUR RIGHTS ACCORDING TO LAW, YOUR SIGNATURE IS NOT AN ADMISSION OF RESPONSIBILITY, BUT INDICATES THAT YOU HAVE RECEIVED A COPY OF THIS NOTICE. PLEASE REVIEW THE BACK OF THIS SHEET FOR AN EXPLANATION OF YOUR RIGHTS. SIGNATURE: RELEASE FORM: (OFFICER: DO NOT SIGN UNLESS AUTHORIZING RELEASE!) I CERTIFY UNDER PENALTY OF PERJURY THAT I AM THE LAWFUL OWNER / GUARDIAN OF THE ABOVE DESCRIBED PROPERTY. I HAVE TAKEN POSSESSION OF THE DESCRIBED PROPERTY. OFFICER'S SIGNATURE / ID # AUTHORIZING RELEASE PROPERTY RELEASED TO: \_ IDENTIFICATION TYPE / NUMBER CADCE

MUST CALL TO MAKE AN APPOINTMENT 336-4447

INCIDENT NUMBER

SAN DIEGO REGIONAL
ADDITIONAL VICTIMS/WITNESSES/OTHERS

LOCATION OF INCIDENT, CITY STATE ZIP

530 W 21ST ST, NATIONAL CITY, CA 91950

BEAT DISTRICT DATE
24 LOCATION DATE
12/1/2012

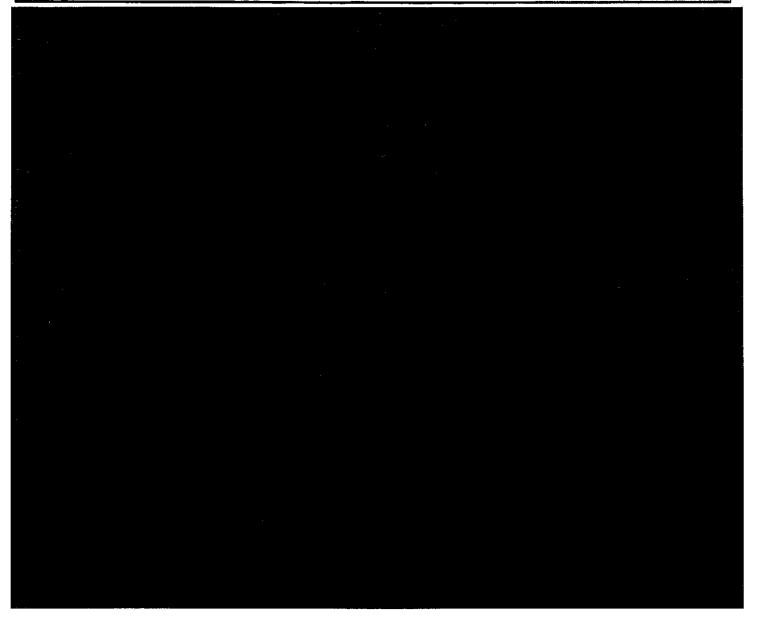
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 ID#
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 APPROVED BY
 ID#
 DATE AND TIME OF REPORT

 Webb
 438
 Ybarra
 381
 12/11/2012 13:37

INCIDENT NUMBER	SAN DIEGO REGIONAL ADDITIONAL VICTIMS/WITNESSES/OTHERS		PAGE 2	OF	3	CASE NUMBER	1207248
LOCATION OF INCIDENT,		BEAT	DISTRICT	DATE	<u> </u>	L	
530 W 21ST ST.	NATIONAL CITY, CA 91950	24				12/1/2012	

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		OFFICE	R'S REPORT NARRATIVE	3 OF 3	1207248			
CONTINUED FROM	BEAT	DISTRICT	DATE	DAY OF WEEK	TIME			
OFFICER'S REPORT ONLY	24		12/1/2012	Sat	10:16			
PRIMARY CODE SECTION								
PC 245A1 - Assault	<u>with</u> a deadl	y weapon or	instrument other than a firear	°m				
ADDITIONAL CODE SECTION(S)				<del></del>				
PC 212,5(C) - ROBBERY:	SECOND DEGREE;	PC 69 - OBSTR	UCT/RESIST EXEC OFFICER					
LOCATION OF INCIDENT, CITY STATE ZIP								
530 W 21ST ST. NATIONAL CITY. CA 91950								



### **END OF REPORT**

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER			SAN DIEGO REGIONAL	PAGE	CASE NUMBER				
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OFFICER'S REPORT ONLY		<b>,</b>	12/1/2012	Sat					
PRIMARY CODE SECTION									
	<u>with a dead</u>	ly weapon or	<u>instrument other than a firearm</u>						
ADDITIONAL CODE SECTION(S)									
LOCATION OF INCIDENT, CITY STATE ZIP									
53 <u>0</u> W 21ST ST, NATI	530 W 21ST ST. NATIONAL CITY. CA 91950								

### Autopsy Supplemental

On Thursday, December 6, 2012, I attended the autopsy of Manuel Tomas Martinez (DOB with With Detectives Ybarra, Walters and Sergeant Seward. The autopsy was conducted at the San Diego County Medical Examiner's Office, 5570 Overland Avenue, San Diego.

The autopsy began at approximately 0930 hours and was performed by Dr. Lucas and Forensic Autopsy Assistant (FAA), Stephen Hannum.

The body of Manuel Tomas Martinez was laying naked on a gurney. There was medical equipment on his body from being in the hospital. I took digital photographs documenting the condition of the body. Doctor Lucas and FAA Sutton removed the hospital equipment and I took additional photographs.

FAA Sutton washed the body. After the body was washed, I collected two swabs from inside the decedent's mouth. There were several bruises and abrasions on the body. I took mid-range and close-up photographs of the wounds and tattoos.

After the wounds were documented, Dr. Lucas opened the body for examination. I took photographs of the skull, the brain and the back.

At approximately 1330 hours, Dr. Lucas finished the autopsy. I received a set of the decedent's fingerprints from FAA Hannum along with a vial of the decedent's blood. I left the Medical Examiner's Office and drove to the National City Police Department (NCPD).

Upon my arrival to the police station, I transferred the digital images from the camera to a DVD-R. I impounded the DVD-R into the NCPD Property and Evidence Unit along with the evidence I collected from the autopsy.

See the attached evidence list for the items I impounded with the corresponding property tag numbers.

INCIDENT NUMBER	OFF	SAN DIEGO REGIONAL ICER'S REPORT NARRATIVE	PAGE 3 OF 3	CASE NUMBER 1207248
CONTINUED FROM	BEAT DISTRI	OATE DATE	DAY OF WEEK	TIME
OFFICER'S REPORT ONLY	l	12/1/2012	Sat	
PRIMARY CODE SECTION PC 245A1 - Assault ADDITIONAL CODE SECTION(S)	with a deadly wear	on or instrument other than a firea	rm	<u>-</u>
LOCATION OF INCIDENT, CITY 530 W 21ST ST, NATI		A		

# **Evidence List**

Property Tag	<u>Description</u>
10081219	(2) Mouth swabs from Manuel Martinez
10081220	(1) Blood vial from Manuel Martinez
I0081221	(1) Set of fingerprints from Manuel Martinez
I0081222	(1) DVD-R containing (225) digital images of the autopsy of Manuel Tomas Martinez